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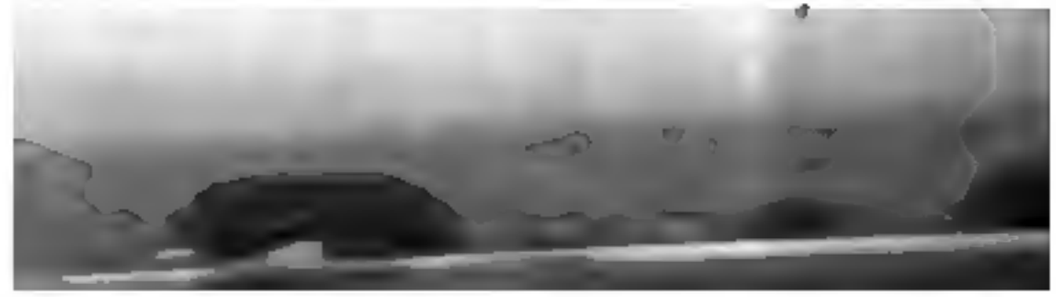

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PREFACE.

This supplement to the pocket edition of the codes contains the amendments of 1891 and 1893, all general laws passed at those sessions, and all special laws of general interest. In addition, notes of California decisions from volume 65 to volume 96 inclusive have been appended to the sections upon which they bear. The same general plan of arrangement pursued in Deering's Annotated Codes and Statutes has been adopted.

San Francisco, July, 1893.

51. Citizenship, meaning of, and who are citizens: 66 Cal. 43; 66 Cal. 39.

54. Municipal laws of conquered province, effect of: 92 Cal. 437.

56. Expatriation: 66 Cal. 39.

58. *Eligibility to office.* Every elector is eligible to the office for which he is an elector, except where otherwise specially provided; and no person is eligible who is not such an elector, except when otherwise specially provided. [*Amendment approved March 10, 1891; Stats. 1891, p. 29.*]

78. *An act to divide the state into legislative districts, as required by section six, article four, of the constitution, and to provide for the election of assemblymen and senators in such districts.*

[Approved March 11, 1891; Stats. 1891, p. 71.]

SECTION 1. The state is hereby divided into eighty assembly districts, constituted as follows:—

1. The counties of Del Norte and Siskiyou shall constitute the first assembly district.

2. All that portion of Humboldt County comprising the townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka, and Bucksport shall constitute the second assembly district.

3. All that portion of Humboldt County not included in the second assembly district shall constitute the third assembly district.

4. The counties of Tehama and Trinity shall constitute the fourth assembly district.

5. The counties of Shasta and Modoc shall constitute the fifth assembly district.

6. The counties of Lassen, Plumas, and Sierra shall constitute the sixth assembly district.

7. The county of Butte shall constitute the seventh assembly district.

8. The counties of Yuba and Sutter shall constitute the eighth assembly district.

9. The county of Mendocino shall constitute the ninth assembly district.

10. The counties of Colusa and Lake shall constitute the tenth assembly district.

11. The county of Yolo shall constitute the eleventh assembly district.

12. The county of Nevada shall constitute the twelfth assembly district.

13. The county of Placer shall constitute the thirteenth assembly district.

14. The county of El Dorado shall constitute the fourteenth assembly district.

15. The county of Amador shall constitute the fifteenth assembly district.

16. All that portion of Sonoma County comprising the townships of Analy, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point, and Vallejo shall constitute the sixteenth assembly district.

17. All that portion of Sonoma County not included in the sixteenth assembly district shall constitute the seventeenth assembly district.

18. The county of Napa shall constitute the eighteenth assembly district.

19. The county of Solano shall constitute the nineteenth assembly district.

20. All that portion of Sacramento County comprising the first and third wards of Sacramento City shall constitute the twentieth assembly district.

21. All that portion of Sacramento County comprising the second and fourth wards of Sacramento City shall constitute the twenty-first assembly district.

22. All that portion of Sacramento County not included in the twentieth and twenty-first assembly districts shall constitute the twenty-second assembly district.

23. The county of Marin shall constitute the twenty-third assembly district.

24. The county of Contra Costa shall constitute the twenty-fourth assembly district.

25. All that portion of San Joaquin County comprising the city of Stockton shall constitute the twenty-fifth assembly district.

26. All that portion of San Joaquin County not included in the twenty-fifth assembly district shall constitute the twenty-sixth assembly district.

27. The county of Calaveras shall constitute the twenty-seventh assembly district.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center line of Market Street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Market to Third, Third to Bryant, Bryant to the waters of the bay of San Francisco; thence along the shore to Market, the place of beginning, — shall constitute the twenty-eighth assembly district.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of the center of Market and Third streets, continuing thence along the center of the following named streets: Market to Fifth, Fifth to Bryant, Bryant to Third, Third to Market, the place of beginning, — shall constitute the twenty-ninth assembly district.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of the center of Market and Fifth streets, continuing thence along the center of the following *named streets*: Market to Seventh, Seventh to *Bryant, Bryant to Fifth, Fifth to* Market, the place *of beginning, — shall constitute the thirtieth* assembly district.

31. All that portion of the city and county of San Francisco

bounded as follows: Commencing at the intersection of the center of Market and Seventh streets, continuing thence along the center of the following named streets: Market to Eleventh, Eleventh to intersection of Channel and Bryant, Bryant to Seventh, Seventh to Market, the place of beginning,—shall constitute the thirty-first assembly district.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of Bryant Street intersects the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Bryant to intersection of Eleventh and Channel, along Eleventh to Harrison, Harrison to Napa, Napa to the waters of the bay of San Francisco; thence along the shore to Bryant, the place of beginning,—shall constitute the thirty-second assembly district.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Napa Street and the bay of San Francisco, continuing thence along the center of the following named streets: Napa to Twentieth, Twentieth to Howard, Howard to Army, Army to Precita Avenue, Precita Avenue to Colusa, Colusa to San Bruno Road or Avenue; thence along San Bruno Road or Avenue to its intersection with the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line to the intersection of the waters of the bay of San Francisco; thence along the shore of said bay to Napa Street, the place of beginning,—shall constitute the thirty-third assembly district.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Market and Eleventh streets, continuing thence along the center of the following named streets: Market to Valencia, Valencia to Ridley, Ridley to Guerrero, Guerrero to Twenty-first, Twenty-first to Howard, Howard to Twentieth, Twentieth to Harrison, Harrison to Eleventh, Eleventh to Market, the place of beginning,—shall constitute the thirty-fourth assembly district.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Howard and Twenty-first streets, continuing thence along the center of the following named streets: Twenty-first to Church, Church to Army, Army to Guerrero, Guerrero to Old San José Road, Old San José Road to Thirtieth, Thirtieth to Mission; thence along Mission Street to Telegraph, or the new county road; thence along said road to the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line to San Bruno Road or Avenue; thence along San Bruno Road or Avenue to Colusa, Colusa to Precita Avenue, Precita Avenue to Army, Army to Howard, Howard to Twenty-first, the place of beginning,—shall constitute the thirty-fifth assembly district.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Guerrero and Fourteenth streets, continuing

ence along the center of the following named streets: Fourteenth to South Broderick, South Broderick to Park Road; thence along Park Road to Frederick, Frederick to First Avenue, First Avenue to J, J to Fourth Avenue, Fourth Avenue to K, K to the waters of the Pacific Ocean, along the shore of said ocean to the boundary line dividing the counties of San Mateo and San Francisco, thence along the said boundary line to new county road, along said road to Mission Road, Mission Road to Thirtieth, Thirtieth to Old San José Road, Old San José Road to Guerrero, Guerrero to Army, Army to Church, Church to Twenty-first, Twenty-first to Guerrero, Guerrero to Fourteenth, the place of beginning,—shall constitute the Thirty-sixth assembly district.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Market Street and Van Ness Avenue, continuing thence along the center of the following named streets: Market to Valencia, Valencia to Ridley, Ridley to Guerrero, Guerrero to Fourteenth, Fourteenth to South Broderick, South Broderick to Park Road, around Park Road to Frederick, Frederick to First Avenue, First Avenue to J, J to Fourth Avenue, Fourth Avenue to K, K to the waters of the Pacific Ocean; thence along the shore of said ocean northerly to Avenue D, Avenue D to Stanyan, Stanyan to Grove, Grove to Van Ness Avenue, Van Ness Avenue to Market, the place of beginning,—shall constitute the thirty-seventh assembly district.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Avenue B and the Pacific Ocean, continuing thence along the center of the following named streets: Avenue B to First Avenue, First Avenue to Turk, Turk to Broderick, Broderick to O'Farrell, O'Farrell to Van Ness Avenue, Van Ness Avenue to Grove, Grove to Stanyan, Stanyan to Avenue D, Avenue D to the Pacific Ocean; thence along the shore to Avenue B, the place of beginning,—shall constitute the thirty-eighth assembly district.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Sacramento and Hyde streets, continuing thence along the center of the following named streets: Hyde to Sutter, Sutter to Jones, Jones to Market, Market to Van Ness Avenue, Van Ness Avenue to Sacramento, Sacramento to Hyde, the place of beginning,—shall constitute the thirty-ninth assembly district.

40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Avenue B and the waters of the Pacific Ocean, continuing thence along the center of the following named streets: Avenue B to First Avenue, First Avenue to Turk, Turk to Broderick, Broderick to O'Farrell, O'Farrell to Van Ness Avenue, Van Ness Avenue to Sacramento, Sacramento to Central Avenue, Central Avenue to California, California to the east line of the city cemetery; thence northerly in a direct line to the Pacific Ocean; thence along the shore in a southerly and westerly di-

rection to the place of beginning, together with the islands known as the Farallon Islands, — shall constitute the fortieth assembly district.

41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Leavenworth Street with the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Leavenworth to Broadway, Broadway to Hyde, Hyde to Sacramento, Sacramento to Central Avenue, Central Avenue to California, along California in a direct line to its intersection with the east line of the city cemetery; thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore of said ocean and the said bay to Leavenworth, the place of beginning, — shall constitute the forty-first assembly district.

42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the junction of the center of Market and Mason streets, continuing thence along the center of the following named streets: Mason to Broadway, Broadway to Hyde, Hyde to Sutter, Sutter to Jones, Jones to Market, Market to Mason, the place of beginning, — shall constitute the forty-second assembly district.

43. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of the center of Market and Kearny streets, continuing thence along the center of the following named streets: Kearny to Broadway, Broadway to Mason, Mason to Market, Market to Kearny, the place of beginning, — shall constitute the forty-third assembly district.

44. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point where the center of Kearny Street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Kearny to Broadway, Broadway to Leavenworth, Leavenworth to the said bay; thence along the shore of said bay to Kearny, the place of beginning, — shall constitute the forty-fourth assembly district.

45. All that portion of the city and county of San Francisco bounded as follows: Commencing at a point where the center of Market Street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Market to Kearny, Kearny to the bay of San Francisco; thence along the shore of said bay to Market Street, the place of beginning, together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the city and county of San Francisco, — shall constitute the forty-fifth assembly district.

46. All that portion of the county of Alameda comprising the townships of Murray and Washington, and that certain portion of Eden township within the corporate limits of the town of Haywards, and that portion of said Eden township known as Castro Valley election precinct, described as follows, to wit: Commencing at a point where the northerly line of the town of Haywards is intersected by a line known as the dividing

line between San Lorenzo and Castro Valley election precincts, thence along said dividing line of said precincts to the middle line of San Lorenzo Creek; thence easterly and northerly along the middle line of said creek to the dividing line of Alameda and Contra Costa counties; thence easterly and southerly along said dividing line of said counties to its point of intersection with the dividing line of Eden and Murray townships aforesaid; thence along said dividing line between Eden and Murray townships to the corner of Eden, Murray, and Washington townships; thence westerly along the line dividing the townships of Washington and Eden to the middle of the mountain road from Haywards; thence northerly along the middle of the said road to the southerly boundary line of the town of Haywards; thence along the boundary line of Haywards and Castro Valley election precincts to the place of beginning, — shall constitute the forty-sixth assembly district.

47. All that portion of the county of Alameda comprising so much of Eden township as is not included in the forty-sixth assembly district, and that portion of Brooklyn township lying outside of the city of Oakland, and all of Alameda township, shall constitute the forty-seventh assembly district.

48. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows: Commencing at a point on the westerly line of the seventh ward, where the same is intersected by Thirteenth Street extended, continuing thence along the center of the following named streets: Thirteenth to Broadway, Broadway to Tenth, Tenth to Jefferson, Jefferson to Twelfth, Twelfth to Adeline, Adeline to the shore line of Oakland Creek, and thence extended to the boundary line of said city of Oakland in said creek; thence along said boundary line in said creek to the intersection of said boundary line with the boundary line between the sixth and seventh wards of said city of Oakland, and thence along said last-mentioned boundary line to the place of beginning, — shall constitute the forty-eighth assembly district.

49. All that portion of the county of Alameda comprising all that portion of the city of Oakland lying west of Adeline Street, and all that portion of the county of Alameda being a portion of Oakland township lying outside of said city of Oakland, bounded as follows: Commencing at the intersection of the northern charter line of the city of Oakland with the dividing line between Bay and Temescal election precincts; thence northerly along said dividing line to where it intersects the southerly line of Berkeley election precincts; thence westerly along said line of Berkeley election precincts to the dividing line between Berkeley and West Berkeley election precincts; thence northerly along said dividing line last named to the southerly line of Ocean View election precincts; thence easterly along said last-mentioned line to the dividing line between Alameda and Contra Costa counties; thence northwesterly and westerly along said Alameda and Contra Costa boundary line of Alameda County and the city and county of San Francisco; thence southerly along said last-named boundary line to the said northern charter line of the city of Oakland; thence east-

erly along said last-named line to the point of beginning,—shall constitute the forty-ninth assembly district.

50. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows: Commencing at the intersection of the northern boundary line of said city with Adeline Street, continuing thence along the center of the following named streets: Adeline to Twelfth, Twelfth to Jefferson, Jefferson to Tenth, Tenth to Broadway, Broadway to Twentieth, or Delger, Street, and thence along the continuation of said Twentieth Street to its intersection with the old charter line in the northwesterly arm of Lake Merritt; thence northerly along the old charter line, following the meanderings of Cemetery Creek, to the new charter line, or Logan Street, and thence to the place of beginning,—shall constitute the fiftieth assembly district.

51. All that portion of the county of Alameda comprising all of Oakland township outside the city of Oakland and not included in the forty-ninth assembly district, also that portion of Alameda County comprising the annexed district (so called) and lying east of the old charter line of the city of Oakland as said line follows the center line of Cemetery Creek and into the northwesterly arm of Lake Merritt, north of said charter line as said line extends into the northeasterly arm of Lake Merritt, and north and east of the dividing line between Oakland and Brooklyn townships, including, also, all that portion of the city of Oakland bounded as follows: Beginning at a point in the northeasterly arm of Lake Merritt where the old charter line is intersected by Twentieth Street extended thence along the center line of the following named streets: Twentieth to Broadway, Broadway to Thirteenth, Thirteenth to its point of intersection with the line dividing Oakland and Brooklyn townships, thence southerly along said line to its intersection with the charter line of the city of Oakland, thence easterly along said charter line to its intersection with the said charter line at Park Street, thence northerly along said charter line to Millbury Street, thence along said street and its extension to the boundary line between Oakland and Brooklyn townships, thence southwesterly and westerly along the old charter line to the place of beginning, comprising all the seventh ward and a portion of the fifth ward of the city of Oakland,—shall constitute the fifty-first assembly district.

52. The county of San Mateo shall constitute the fifty-second assembly district.

53. The county of Santa Cruz shall constitute the fifty-third assembly district.

54. All that portion of the county of Santa Clara comprising the precincts of Agnews, Campbells, Jefferson, the town of Mountain View, Moreland, the town of Mayfield, the fourth ward of the city of San José, University, Willow Glen, Cupertino, and the town of Santa Clara shall constitute the fifty-fourth assembly district.

55. All that portion of the county of Santa Clara comprising the first, second, and third wards of the city of San José, and

the precincts of Hester and Crandelville, shall constitute the fifty-fifth assembly district.

56. All that portion of the county of Santa Clara not included in the fifty-fourth and fifty-fifth assembly districts shall constitute the fifty-sixth assembly district.

57. The counties of Stanislaus and Merced shall constitute the fifty-seventh assembly district.

58. The counties of Tuolumne and Mariposa shall constitute the fifty-eighth assembly district.

59. The county of San Benito shall constitute the fifty-ninth assembly district.

60. The counties of Alpine, Inyo, and Mono shall constitute the sixtieth assembly district.

61. The county of Monterey shall constitute the sixty-first assembly district.

62. All that portion of the county of Fresno comprised in the following election precincts, as now constituted, to wit: Minturn, White's Bridge, Borden, Berenda, Fresno Colony, Cantua, Huron, Madera, Firebaugh, Washington Colony, Wildflower, Kingston, Mendocino, Lake, Easton, Selma, Wartham, Pleasant Valley, Sycamore, Crescent, Chicago, Central Colony, Liberty, Fowler, Madison, West Park, Kingsburg, Malaga, Oleander, Temperance, Scandinavia, ward number three, Fresno City, ward number five, Fresno City,—shall constitute the sixty-second assembly district.

63. All that portion of the county of Fresno not included in the sixty-second assembly district shall constitute the sixty-third assembly district.

64. All that portion of the county of Tulare comprised in the following election precincts, as now constituted, to wit: Tipton, Pixley, Allila, first, second, third, and fourth wards of Tulare, Buena Vista, Enterprise, Goshen, Traver, Grand View, Excelsior, Grangeville, Hanford, Lucerne, Lake Side, Lemoore, Kings River, and West End,—shall constitute the sixty-fourth assembly district.

65. All that portion of the county of Tulare not included in the sixty-fourth assembly district shall constitute the sixty-fifth assembly district.

66. The county of Kern shall constitute the sixty-sixth assembly district.

67. The county of San Luis Obispo shall constitute the sixty-seventh assembly district.

68. The county of Santa Barbara shall constitute the sixty-eighth assembly district.

69. The county of Ventura shall constitute the sixty-ninth assembly district.

70. All that portion of the county of Los Angeles included in and comprising the following election precincts: Lancaster, Palmdale, Llano, Acton, Elizabeth Lake, La Liebre, Esperanza, Fairmount, Lang, Newhall, Las Virgines, Calabasas, San Vicente, National, Electric, Santa Monica, Monte Vista, Cahuenga, Santa Susana, Lankershim, San Fernando, Burbank, Garvanza, Glendale, La Canada, Tejunga, North Pasadena, Pasadena City precincts numbers one, two, three, four,

five, and six,—shall constitute the seventieth assembly district.

71. All that portion of the county of Los Angeles included in and comprising the following election precincts: Claremont, Lordsburg, Spadra, Pomona City precincts numbers one, two, three, and four, Azusa, Glendora, El Monte, Farmdale, Old Mission, Monrovia, Duarte, Lamanda, Sierra Madre, San Gabriel, Alhambra, Knolls, South Pasadena, Rowland, Covina, Los Nietos, Whittier, and Rivera shall constitute the seventy-first assembly district.

72. All that portion of the county of Los Angeles included in and comprising the following election precincts. San Antonio Fruitland, Florence, Vernon, Downey, Artesia, Clearwater Norwalk, Compton, Lugo, Enterprise, Redondo Long Beach, Cerritas, Wilmington, San Pedro, Catalina, Chautauqua, Ballona, Centinelli, La Dow, University, and Rosedale,—shall constitute the seventy-second assembly district.

73. All that portion of the county of Los Angeles included in and comprising the following election precincts: Los Angeles City precincts numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen,—shall constitute the seventy-third assembly district.

74. All that portion of the county of Los Angeles included in and comprising the following election precincts: Los Angeles City precincts numbers nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one,—shall constitute the seventy-fourth assembly district.

75. All that portion of the county of Los Angeles included in and comprising the following election precincts: Los Angeles City precincts numbers thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven,—shall constitute the seventy-fifth assembly district.

76 The county of Orange shall constitute the seventy-sixth assembly district.

77. All that portion of the county of San Bernardino comprising the election precincts of Seven Oaks, Bear Valley, Holcomb Valley, Black Hawk, Bagdad, Providence, Needles, Ivanpah, Chino, Union, Rincon, Newberry, South Riverside, Temescal, Colton, East Colton, Cloverdale, San Timoteo, Beaumont, Pass, and Banning, together with the third supervisorial district, shall constitute the seventy-seventh assembly district.

78 All that portion of the county of San Bernardino not included in the seventy-seventh assembly district shall constitute the seventy-eighth assembly district.

79. All that portion of San Diego County situated within the corporate limits of the city of San Diego shall constitute the seventy-ninth assembly district.

80. All that portion of San Diego County not included in the

seventy-ninth assembly district shall constitute the eightieth assembly district.

SEC. 2. At the general election in the year eighteen hundred and ninety-two, and every two years thereafter, a member of the assembly shall be elected in each of said hereinbefore constituted assembly districts.

SEC. 3. The state is hereby divided into forty senatorial districts, constituted as follows: —

1. The counties of Del Norte and Humboldt shall constitute the first senatorial district.

2. The counties of Siskiyou, Trinity, Shasta, Modoc, and Lassen shall constitute the second senatorial district.

3. The counties of Plumas, Sierra, and Nevada shall constitute the third senatorial district.

4. The counties of Tehama and Butte shall constitute the fourth senatorial district.

5. The counties of El Dorado and Placer shall constitute the fifth senatorial district.

6. The counties of Yuba, Sutter, and Yolo shall constitute the sixth senatorial district.

7. The counties of Lake and Napa shall constitute the seventh senatorial district.

8. The counties of Mendocino and Colusa shall constitute the eighth senatorial district.

9. The county of Solano shall constitute the ninth senatorial district.

10. The county of Sonoma shall constitute the tenth senatorial district.

11. The counties of Contra Costa and Marin shall constitute the eleventh senatorial district.

12. The counties of Stanislaus, Merced, Tuolumne, and Mariposa shall constitute the twelfth senatorial district.

13. The county of Sacramento shall constitute the thirteenth senatorial district.

14. The counties of Amador, Calaveras, Alpine, and Mono shall constitute the fourteenth senatorial district.

15. The county of San Joaquin shall constitute the fifteenth senatorial district.

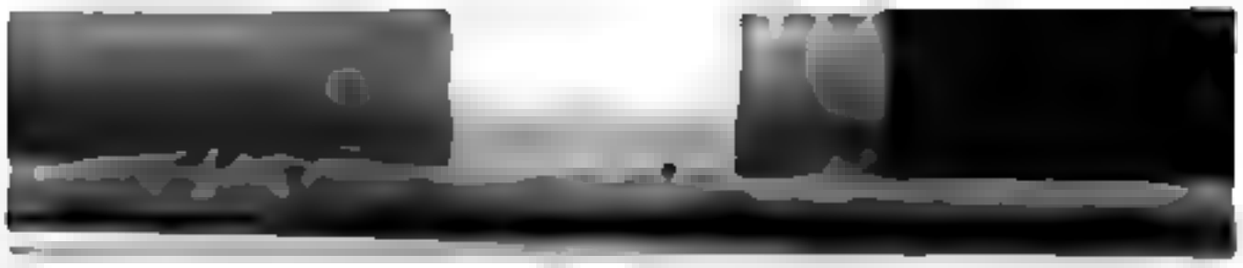
16. The county of Fresno shall constitute the sixteenth senatorial district.

17. All that portion of the city and county of San Francisco comprised within the boundaries of the twenty-eighth and twenty-ninth assembly districts, as fixed and described in this act, shall constitute the seventeenth senatorial district.

18. All that portion of the city and county of San Francisco comprised within the boundaries of the thirtieth and thirty-second assembly districts, as fixed and described in this act, shall constitute the eighteenth senatorial district.

19. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-third and thirty-fifth assembly districts, as fixed and described in this act, shall constitute the nineteenth senatorial district.

20. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-fourth and



thirty-sixth assembly districts as fixed and described in this act, shall constitute the twentieth senatorial district.

§ 71. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-seventh and thirty-eighth assembly districts, as fixed and described in this act, shall constitute the twenty-first senatorial district.

§ 72. All that portion of the city and county of San Francisco comprised within the boundaries of the forty-first and forty-third assembly districts, as fixed and described in this act, shall constitute the twenty-second senatorial district.

§ 73. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-first and thirty-ninth assembly districts, as fixed and described in this act, shall constitute the twenty-third senatorial district.

§ 74. All that portion of the city and county of San Francisco comprised within the boundaries of the forty-second and forty-third assembly districts, as fixed and described in this act, shall constitute the twenty-fourth senatorial district.

§ 75. All that portion of the city and county of San Francisco comprised within the boundaries of the forty-fourth and forty-fifth assembly districts, as fixed and described in this act, shall constitute the twenty-fifth senatorial district.

§ 76. All that portion of the county of Alameda comprised within the boundaries of the forty-eighth and forty-ninth assembly districts as fixed and described in this act shall constitute the twenty-sixth senatorial district.

§ 77. All that portion of the county of Alameda comprised within the boundaries of the fiftieth and fifty-first assembly districts as fixed and described in this act, shall constitute the twenty-seventh senatorial district.

§ 78. All that portion of the county of Alameda comprised within the forty-sixth and forty-seventh assembly districts, as fixed and described in this act, shall constitute the twenty-eighth senatorial district.

§ 79. The counties of San Mateo and Santa Cruz shall constitute the twenty-ninth senatorial district.

§ 80. All that portion of Santa Clara county not included in the third senatorial district shall constitute the thirtieth senatorial district.

§ 81. All that portion of Santa Clara county comprising the townships of Redwood, Alameda, Gilroy and Burnett, and the third section [illegible] of the land and all of the township of San Jose north of the north line of said township except the portion of Burnett and the land so [illegible] shall constitute the thirty-first senatorial district.

1. The counties of [illegible] and Tulare shall constitute the thirty-second senatorial district.

2. The counties of [illegible] and Monterey shall constitute the thirty-third senatorial district.

3. The counties of [illegible] and Kern shall constitute the thirty-fourth senatorial district.

4. The counties of [illegible] Barbara and Ventura shall constitute the thirty-fifth senatorial district.

5. All that portion of the county of Los Angeles included in

and comprising the following townships and election precincts: Antelope, Fairmount Soledad, Los Angeles, Pasadena, South Pasadena, El Monte and San Gabriel townships, and all that part of the city of Los Angeles included in and comprising the following election precincts: Numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, —shall constitute the thirty-sixth senatorial district.

37. All that portion of the county of Los Angeles included in and comprising the following election precincts: All that portion of the city of Los Angeles included in and comprising the following election precincts: Nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven, —shall constitute the thirty-seventh senatorial district.

38. All that portion of the county of Los Angeles included in and comprising the following townships: San José, Azusa, Rowland, Los Nietos, San Antonio, Downey, Long Beach, Wilmington, Catalina, Chautauqua, Santa Monica, Calabasas, San Fernando, Compton, Ballona, and Cahuenga, —shall constitute the thirty-eighth senatorial district.

39. The counties of San Bernardino and Orange shall constitute the thirty-ninth senatorial district.

40. The county of San Diego shall constitute the fortieth senatorial district.

SEC. 4. At the general election in the year eighteen hundred and ninety-two, there shall be elected twenty senators from the above named and constituted odd-numbered districts, who shall hold office for four years. Twenty senators shall be elected from said odd numbered districts every four years thereafter. The senators elected in the even numbered districts fixed by the act of March eighth, eighteen hundred and eighty-three, at the general election in eighteen hundred and ninety, shall continue in office for four years from and after twelve o'clock, noon, on the first Monday after the first day of January, eighteen hundred and ninety-one. At the general election in eighteen hundred and ninety-four, twenty senators shall be elected from the hereinbefore named and constituted even numbered districts, who shall hold office for four years. Twenty senators shall be elected, and every four years thereafter, from said hereinbefore constituted even numbered districts.

SEC. 5. Neither boards of supervisors, municipal authorities, nor any other officer or officers, shall have the power to alter the boundaries of any township, ward, election precinct, or other local subdivision of any county, city, city and county, or town, so as to change the boundaries of any senatorial or assembly district as constituted and defined in this act.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

117. *An act to divide the state of California into congressional districts.*

[Approved March 11, 1891; Stats. 1891, p. 84.]

SECTION 1. For the purpose of electing representatives in Congress, this state is hereby divided into seven congressional districts, as follows:—

1. The counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Mendocino, Sonoma, Napa, and Marin shall comprise the first congressional district.

2. The counties of Butte, Sutter, Yuba, Nevada, Placer, El Dorado, Amador, Calaveras, Mono, Inyo, Alpine, Tuolumne, Mariposa, San Joaquin, and Sacramento shall comprise the second congressional district.

3. The counties of Colusa, Yolo, Lake, Solano, Contra Costa, and Alameda shall comprise the third congressional district.

4. All that portion of the city and county of San Francisco bounded as follows: Commencing at a point of intersection of the center of Leavenworth Street and the bay of San Francisco, continuing thence along the center of the following named streets: Leavenworth to Broadway, Broadway to Hyde, Hyde to Sacramento, Sacramento to Van Ness Avenue, Van Ness Avenue to Market, Market to Eleventh, Eleventh to Harrison, Harrison to junction of Napa and Twentieth; thence along Twentieth to Howard, Howard to Army, Army to Precita Avenue, Precita Avenue to Colusa, Colusa to San Bruno Road or Avenue; thence along San Bruno Road or Avenue to the boundary line dividing the counties of San Mateo and San Francisco; thence along said boundary line to the bay of San Francisco; thence along the shore of said bay to Leavenworth Street, the place of beginning, with all the islands in the bay of San Francisco within the boundaries of the city and county of San Francisco,—shall comprise the fourth congressional district.

5. All that portion of the city and county of San Francisco not included in the fourth congressional district, with the islands known as the Farallon Islands, together with the counties of San Mateo and Santa Clara, shall comprise the fifth congressional district.

6. The counties of Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Los Angeles shall comprise the sixth congressional district.

7. The counties of Stanislaus, Merced, San Benito, Fresno, Tulare, Kern, San Bernardino, Orange, and San Diego shall comprise the seventh congressional district.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

220. De facto officers: 67 Cal. 182.

225. Qualifications of state senators: 96 Cal. 262.

226. Term of office: 65 Cal. 577; 96 Cal. 289.

235. ***An act to submit to the people of the state of California an amendment to section two, article four, of the constitution of the state of California.***

[Approved February 7, 1891; Stats. 1891, p. 3.]

The legislature of the state of California, at its twenty-ninth session, commencing on the fifth day of January, A. D. one thousand eight hundred and ninety-one, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby proposes that section two of article four (legislative department) of the constitution of the state of California be amended so as to read as follows: —

ARTICLE IV.

SECTION 2. The sessions of the legislature shall commence at twelve o'clock, M., on the first Monday after the first day of January next succeeding the election of its members, and shall be biennial, unless the governor shall in the interim convene the legislature by proclamation. No pay shall be allowed to members for a longer period than one hundred days, and no bill shall be introduced in either house after the expiration of sixty days from the commencement of each session without the consent of two thirds of the members thereof.

This amendment was not ratified at the election held in November, 1892, when it was submitted to the people.

245. *Employees of the senate.* The officers and employees of the senate consist of a president, president pro tem., one secretary, two assistant secretaries, one sergeant-at-arms, one assistant sergeant-at-arms, one minute clerk, one journal clerk, one enrolling clerk, one engrossing clerk, three pages, three porters, and one postmaster and one assistant postmaster, and such other officers and employees as may be deemed by the senate necessary for the transaction of the business of the senate. [*Amendment approved January 7, 1891; Stats. 1891, p. 1; in effect immediately.*]

246. *Employees of the assembly.* The officers and employees of the assembly consist of a speaker, speaker pro tem., one chief clerk, two assistant clerks, one sergeant-at-arms, one assistant sergeant-at-arms, one minute clerk, one journal clerk, one enrolling clerk, one engrossing clerk, four porters, four pages, and one postmaster and one assistant postmaster, and such other officers and employees as may be deemed by the assembly necessary for the transaction of the business of the assembly. [*Amendment approved January 27, 1891; Stats. 1891, p. 2; in effect immediately.*]

248. Repealed; Stats. 1891, p. 427.

249. Repealed; Stats. 1891, p. 427.

256. *Daily journal of each house to be printed.* A sufficient number of copies of each day's proceedings of each house of the legislature shall be printed by the state printer, in book form, separately, to supply the members of both houses and chief officers daily during the session with the journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the legislature, in book form, as the journals of the senate and assembly; one copy of which daily journal of each house, upon the approval thereof by the house of which it is such daily journal, shall be authenticated as so approved by the presiding officer and chief clerk or secretary (as the case may be) of the house so approving it; and upon the final adjournment of the legislature such copy of the daily journal of each house for the entire session, so authenticated, shall be properly bound in separate volumes, and deposited in the office of the secretary of state as the official journals of both houses of the legislature. [*Amendment approved March 31, 1891; Stats. 1891, p. 425.*]

257. Repealed; Stats. 1891. p. 426.

268. *Compensation.* There must be paid to the secretary, assistant secretaries, minute, journal, enrolling, and engrossing clerks, and their assistants, and sergeant-at-arms of the senate, and clerk and book-keeper to sergeant-at-arms of the senate, and the chief clerk, assistant clerks, minute, journal, enrolling, engrossing clerks, and their assistants, and clerk and book-keeper to sergeant-at-arms, and sergeant-at-arms of the assembly, each, eight dollars per day; to the assistant sergeant-at-arms of the senate and assembly, each, six dollars per day; to the porters of the senate and assembly, each, four dollars per day; to each committee clerk appointed by authority of either house, five dollars per day, except the clerks of the judiciary committees, and the chief clerk of the finance committee of the senate, and the chief clerk of the ways and means and appropriations committee of the assembly, who

must be paid eight dollars per day; to the pages, each, three dollars per day; and to the postmasters of the senate and assembly, and their assistants, each, four dollars per day; and to such other officers and employees as may be elected or employed by the senate or assembly, or by authority thereof, such per diem as may be fixed by the house electing or employing them, or authorizing their employment, *provided*, that no officer or employee of the senate or assembly whose per diem is not hereinbefore fixed shall receive a per diem exceeding the sum of five dollars to be fixed by the resolution electing or appointing such additional officer or employee, except in the case of stenographers, who shall receive the compensation allowed by law. [*Amendment approved January 27, 1891 Stats. 1891, p. 2, in effect immediately.*]

Additional compensation. 77 Cal. 473.

323 Taking effect of statute. 74 Cal. 229.

Conditional statute, limitation of time. 81 Cal. 469.

325 Amendment of statute, effect of. 68 Cal. 267.

329 Subsequent act imposing different penalties, effect of. 64 Cal. 11.

332 *Reports to be sent to governor.* All officers, boards of officers, commissioners, trustees, regents, and directors required by law to make reports to the governor or legislature, except the controller of state, must send the manuscript draught of such reports to the governor before the fifteenth day of September in the year eighteen hundred and ninety-two, and in every second year thereafter. The controller of state must send his report to the governor before the fifteenth day of December in eighteen hundred and ninety-two and in every second year thereafter. [*Amendment approved March 10, 1891; Stats. 1891, p. 2, in effect immediately.*]

333 *Board of examiners to order reports printed.* The governor shall, upon receipt of such reports, submit the same to the state board of examiners, who shall order such a number of said reports, or part or parts of each report, printed, as in their judgment will meet the requirements of law; *provided, that in no instance shall a less number of copies be printed than* is necessary to

furnish at least ten copies of each report to all officers, boards of officers, commissioners, trustees, regents, and directors required by law to make reports to the governor or legislature. [*Amendment approved March 10, 1891; Stats. 1891, p. 66; in effect immediately.*]

334. *Duty of superintendent of state printing.* The superintendent of state printing must print such reports, or such part or parts of said reports, as may be ordered by the state board of examiners, in a manner to be designated by said board, before the first Monday in December next after receipt thereof, except the report of the state controller, which shall be printed before the fifteenth day of January after the receipt thereof, and distribute the same in accordance with the directions of the board of examiners. [*Amendment approved March 10, 1891; Stats. 1891, p. 66; in effect immediately.*]

335. Repealed; Stats. 1891, p. 66.

364. *Who constitute board of examiners.* The board of examiners shall consist of the governor, the secretary of state, the attorney-general, and the secretary of the board, who shall be ex officio member, to act only in the absence from the state capital of any two of the members. [*Amendment approved March 23, 1893; Stats. 1893, p. 182; in effect immediately.*]

380. *An act authorizing the governor of the state of California t offer a reward for the arrest and conviction of party or parti who murdered Mrs. John Greenwood, in Napa County, on t evening of February 9, 1891, and making an appropriation to p the same.*

[Approved February 17, 1891; Stats. 1891, p. 7.]

SECTION 1. The governor of the state of California is auth ized to offer a reward of twenty-five hundred dollars for arrest and conviction of the party or parties who murde Mrs. John Greenwood, in Napa County, on the night of Fel ary the ninth, eighteen hundred and ninety-one; and the of two thousand five hundred dollars is hereby appropri out of any money not otherwise appropriated, and the troller is hereby authorized to draw his warrant for the whenever the claim is legally made.

SEC. 2. This act shall take effect immediately.

An act to authorize the governor to employ a stenographer for his office, and to provide for the payment of his salary.

[Approved January 15, 1891; Stats. 1891, p. 1.]

SECTION 1. The governor of California is hereby authorized [illegible] a stenographer to assist him in the duties of his [illegible] and who shall serve during his pleasure. He shall perform [illegible] duties as may be assigned him by the governor from [illegible]. The salary of such stenographer shall be sixteen hundred dollars per annum, payable as the salary of state [illegible].

SEC. 2. The sum of eight hundred dollars is hereby appropriated out of the general fund of the state treasury for the payment of the salary of the stenographer during the forty-[illegible] year.

SEC. 3. This act shall take effect from and after its passage.

416. Limitation in action against secretary of state. 73 [illegible]

424. *An act to prohibit the creation of debts against the state in [illegible] of appropriations made by law, except in cases of actual [illegible] on consent of the board of examiners.*

[Approved March 23, 1893; Stats. 1893, p. 28[illegible].]

SECTION 1. No officer or employee in the service of the state shall have power to create any deficiency in excess of any appropriation of money made by law, except in case of actual [illegible] and only then upon the written authority first obtained of the governor, secretary of state, and attorney-general, and any indebtedness attempted to be created against the state in violation of the provisions of this act shall be absolutely void, and shall not be allowed by the state board of examiners.

SEC. 2. This act shall take effect from and after its passage.

433. Mandamus to compel issuance of warrant. 84 [illegible]

An act to provide for the payment of the controller of state's warrants which have been lost or destroyed previous to payment by the state treasurer.

[Approved March 31, 1891; Stats. 1891, p. 294.]

SECTION 1. Whenever any warrant legally drawn by the controller of state shall have been lost or destroyed before the same has been paid by the state treasurer, the amount due [illegible] may be recovered by the legal owner or custodian [illegible] filing with the controller of state.

First. An affidavit setting forth the fact of the loss or destruction of such state warrant, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction of the same.

Second. A bond of indemnity, with two good and sufficient [illegible], in double the amount of the face of the particular warrant, which bond shall be referred to the attorney-general and controller of state for approval or rejection.

SEC. 2. It shall be the duty of the attorney-general and of the controller of state to examine and pass upon the sufficiency of the said bond, and to approve or reject the same, within thirty days after it shall have been filed with the controller of state.

SEC. 3. After the filing of the approved bond, the controller of state is hereby authorized and directed to issue and deliver to the legal owner or claimant, on demand, a duplicate warrant for the full amount of the original warrant, and the treasurer of state is hereby authorized and directed to pay the duplicate, in lieu of the original warrant.

SEC. 4. The controller and treasurer shall each make the proper entries on their books, showing such warrants to have been lost or destroyed, and the issuance of duplicate warrants in lieu thereof.

An act authorizing the controller to charge the sum of $3,306.72 against the general fund, to adjust a discrepancy existing between the books in his office and those of the office of the state treasurer because of payments of warrants from the general fund which had been drawn against the state drainage construction fund and construction fund of drainage district number one.

[Approved March 31, 1891; Stats. 1891, p. 244.]

SECTION 1. The controller is hereby authorized to charge against the general fund the sum of three thousand three hundred and six dollars and seventy-two cents, to adjust the discrepancy existing between his books and those of the treasurer, to that amount, because of payments made from that fund by the treasurer of warrants drawn against the state drainage construction fund and construction fund of drainage district number one.

SEC. 2. This act shall take effect immediately.

An act relating to the transfer of moneys now in the state treasury, in what is known and designated as estate of deceased persons fund, to the general fund, as a loan.

[Approved March 19, 1891; Stats. 1891, p. 136.]

SECTION 1. The controller and treasurer of the state are hereby authorized to transfer on April first, eighteen hundred and ninety-one, the sum of eighty thousand dollars from the fund now in the state treasury known and designated as "Estate of Deceased Persons Fund," to the general fund, as a loan to said general fund, without interest.

SEC. 2. That in the event claims are hereafter presented and allowed, as by law in such cases made and provided, valid and proper to be paid out of said fund known as "Estate of Deceased Persons Fund," and in the event there is not remaining at the time of said presentation of said claim or claims sufficient money in said fund in the treasury of the state to pay said claim or claims, then, and not otherwise, the said claim or claims so presented shall be paid out of the general fund of the state to the extent of the money ordered to be transferred from said fund of the "Estate of Deceased Persons

Fund" to the general fund, as set forth in section one of this act.

SEC. 3. This act shall take effect immediately

An act authorizing the controller and treasurer to transfer to the general fund all moneys now in the state drainage construction fund, and also, from time to time, to transfer to the general fund all moneys that may hereafter be paid into the state drainage construction fund.

[Approved March 31, 1891, Stats. 1891, p. 267.]

SECTION 1. The controller is hereby authorized to transfer to the general fund all moneys standing to the credit of the state drainage construction fund, and also, from time to time, to transfer to the general fund all moneys that may hereafter be paid into the state drainage construction fund

SEC. 2. The controller, immediately after making the transfers provided for in this act, shall notify the state treasurer of the same, and the treasurer shall thereupon make corresponding transfers upon the books of his office

SEC. 3. This act shall take effect immediately.

An act authorizing the controller and treasurer to transfer to the general fund all moneys to the credit of the construction fund of drainage district number one, and also, from time to time, to transfer to the general fund all moneys that may hereafter be paid into said construction fund of drainage district number one.

[Approved March 31, 1891, Stats. 1891, p. 270.]

SECTION 1. The controller is hereby authorized to transfer to the general fund all moneys to the credit of the construction fund of drainage district number one, and also, from time to time, to transfer to the general fund all moneys that may hereafter be paid into the construction fund of drainage district number one

SEC. 2. The controller, immediately after making the transfers provided for in this act, shall notify the state treasurer of the same, and the treasurer shall thereupon make corresponding transfers on the books of his office

SEC. 3. This act shall take effect immediately

An act authorizing the controller and treasurer to transfer to the general fund all moneys now in the election reward fund, the leprosy fund, and interest and sinking fund, levee district number five, and abolishing the leprosy fund and interest and sinking fund, levee district number five

[Approved February 23, 1893, Stats. 1893, p. 6.]

SECTION 1. The controller is hereby authorized to transfer to the general fund all moneys standing to the credit of the election reward fund, the leprosy fund, and interest and sinking fund, levee district number five

SEC. 2. The controller, immediately after making the transfers provided for in this act, shall notify the state treasurer of the same, and the treasurer shall thereupon make corresponding transfers upon the books of his office.

SEC. 3. The funds known as the leprosy fund and interest and sinking fund, levee district number five, are hereby abolished.

SEC. 4. This act shall take effect from and after its passage.

An act authorizing the state controller and state treasurer to transfer from the state school fund to the state school land fund the sum of $189,426.58.

[Approved March 3, 1893; Stats. 1893, p. 78.]

WHEREAS, According to the statement of the state controller, there now exists a deficiency in the state school land fund amounting to one hundred and eighty-nine thousand four hundred and twenty-six dollars and fifty-eight cents, caused, during the years eighteen hundred and eighty-three to eighteen hundred and ninety, inclusive, by the state board of examiners purchasing bonds with the money from this fund, as authorized by section six hundred and eighty of the Political Code, and paying therefor premiums and accrued interest, the amount of which was not returned to this fund, but was covered into the state school fund; and whereas, section four, article nine, of the constitution provides that the state school land fund shall be and remain a perpetual fund, the proceeds from which shall go to the support of the common schools; now, therefore,

The people of the state of California, represented in senate and assembly, do enact as follows:—

SECTION 1. The state controller and state treasurer are hereby authorized and directed to transfer from the state school fund to the state school land fund the sum of one hundred and eighty-nine thousand four hundred and twenty-six dollars and fifty-eight cents.

SEC. 2. This act shall take effect immediately.

435. *Separate account of school fund to be kept by controller.* The controller must keep a separate account of the school fund, and of the interest and income thereof, together with such moneys as may be raised by special tax, or otherwise, for school purposes. He must, on the first Monday in January and on the first Monday in July in each year, report to the superintendent of public instruction a statement of the securities belonging to the school fund, of the moneys in the treasury subject to apportionment, and the several sources from which they accrued. He must draw his warrant on the state treasurer in favor of any county treasurer, whenever such county treasurer presents, with his indorsement, an order drawn by the superintendent of public instruction in favor of such county; and the warrant so drawn is not

subject to the provisions of article eighteen of this chapter. [*Amendment approved March 31, 1891; Stats. 1891, p. 471.*]

437. Proceedings against defaulters: See *ante*, sec. 416, note; *post*, sec. 452, note.

444. Repealed; Stats. 1891, p. 150.

The fund known as the grammar school course fund, provided for by the statutes of 1887 (Stats. 1887, p. 124) was also abolished by act approved March 20, 1891, as follows: —

The fund known as the grammar school course fund is hereby abolished. Upon the passage of this act, the controller of state is hereby authorized and directed to credit to the state school fund any and all money that may stand to the grammar school course fund. All outstanding claims against the grammar school course fund shall be paid out of the school fund. [*Approved March 26, 1891; Stats. 1891, p. 164, sec. 31.*]

452. *An Act providing for the cancellation of certain receipts which were directed by law to be received as cash by the state treasurer; and authorizing the controller and treasurer to make the proper entries in the books of their respective offices.*

[Approved March 31, 1891; Stats. 1891, p. 290.]

WHEREAS, On the twenty-fourth day of November, in the year eighteen hundred and eighty-four, it was discovered that Arthur D. January, then deputy state treasurer, had abstracted the sum of thirty-nine thousand five hundred and forty-two dollars and twenty-seven cents from a sack in the state treasury containing fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents, and belonging to certain county treasurers; and whereas, the balance of said money was thereupon taken in charge by the state board of examiners, and by them put in charge of Hon. Frederick Cox, and removed from the state treasury; and whereas, none of this money was the property of the state, but belonged to those certain county treasurers for the use of the common schools of their respective counties; and whereas, as provided by subsequent law, the receipts given to said county treasurers by the state treasurer for these moneys subsequently abstracted were required to be received and counted as cash, and are now so counted, thus making a discrepancy to the amount of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents between the amount of money actually in the state treasury as compared with the amount really in the treasury; and whereas, this discrepancy will continue until it can by law be adjusted; and whereas, it is important that the accounts between the offices of the controller and treasurer shall show the actual cash conditions only; therefore,

The people of the state of California, represented in senate and assembly, do enact as follows: —

SECTION 1. The state treasurer, in the presence of the state board of examiners and the controller, is hereby authorized to

cancel the receipts given by W. A. January, as state treasurer, for school moneys left in his charge by the following named county treasurers, in the amounts set opposite their respective names, as follows, to wit: —

4. January 24, 1884. J. Scott, treasurer Sierra County, $139.48. April 25, 1885.

13. February 28, 1884. S. Turner, treasurer Humboldt County, $10,000. April 27, 1885.

16. April 23, 1884. J. D. Skinner, treasurer El Dorado County, $2,100. April 29, 1885.

17. April 25, 1885. J. Scott, treasurer Sierra County, $1,686.02. April 28, 1885.

18. April 29, 1884. H. S. Turner, treasurer Humboldt County, $568.95. April 27, 1885.

20. June 14, 1884. U. Undart, treasurer Santa Barbara County, $936.08. June 29, 1885.

21. June 16, 1884. Z. B. Pinkham, treasurer Mono County, $996.93. February 1, 1886.

23. June 17, 1884. James Fowzer, treasurer Mendocino County, $17,054. January 28, 1886.

24. June 17, 1884. U. Hartnett, treasurer Monterey County, $1,899.56. July 6, 1885.

26. August 19, 1884. U. Undart, treasurer Santa Barbara County, $5,553.24. June 29, 1885.

27. August 21, 1884. William Jorres, treasurer San Diego County, $3,769.92. July 6, 1885.

28. October 16, 1884. R. B. Hathway, treasurer Contra Costa County, $9,000. July 23, 1885.

416. January 18, 1884. John Cronkite, treasurer Alpine County, $18.59. January 27, 1886.

Total, $53,752.77.

The whole amounting to fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents.

SEC. 2. The controller shall draw his warrants in favor of the state treasurer against each one of the funds affected by said treasurer's receipts, in the proportion that each fund, through its proper percentage, bears to the whole amount of said receipts; and the payment of such warrants shall be effected by the cancellation of said receipts.

SEC. 3. The aforesaid sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents shall then be deducted from the amount of money shown to be in the state treasury, and a record of such cancellation and deduction shall be made upon the books of the controller and treasurer, as well as upon those of the state board of examiners, setting forth compliance with the provisions of this act; and these records shall thereby have the effect of working a credit in behalf of the state treasurer to the amount of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents from the amount standing charged against him as state treasurer.

SEC. 4. This act shall take effect immediately

470. Use of state name: 72 Cal. 289.

Traveling expenses: 69 Cal. 223.

An act authorizing the attorney-general to dismiss those certain actions pending in the superior court of the city and county of San Francisco and numbered eleven thousand seven hundred and six, eleven thousand nine hundred and twenty-five and eleven thousand nine hundred and twenty-six, upon payment to him, for the use of the state, of certain moneys.

[Approved March 31, 1891. Stats. 1891, p. [illegible].]

SECTION 1. The attorney-general is hereby authorized, in his discretion, to dismiss those certain actions now pending in the superior court of the city and county of San Francisco, state of California, wherein the people of the state of California are parties plaintiff, and W. A. Phillips and others are parties defendant, number eleven thousand seven hundred and six, and William H. Knight and others are parties defendant, number eleven thousand nine hundred and twenty-five, and William Blanding and others are parties defendant, number eleven thousand nine hundred and twenty-six, upon the payment to him, for the use of the state, of such amounts as by the cash-books kept by the secretary of the board of state harbor commissioners appear to have come into possession of said board, and which have not been paid into the state treasury, or to dismiss the same, in his discretion, as to any defendant therein, upon payment by such defendant of his just proportion of said amounts.

An act authorizing the attorney-general to settle and dismiss a certain action entitled "The People of the State of California, ex rel. John F. Dunn, State Controller, Plaintiff, v. Frank W. Gross, John Martin and John Landers, Defendants," wherein judgment was obtained against defendants in the superior court of the city and county of San Francisco, on the thirteenth day of December, eighteen hundred and eighty-nine, which action is numbered twelve thousand nine hundred and two in said court (now on appeal to the superior court), upon payment to him, for the use of the state, of such moneys as he may deem advisable to accept.

[Approved March 31, 1891. Stats. 1891, p. [illegible].]

SECTION 1. The attorney-general, upon payment to him of such sum of money, for the use of the state, as he may deem advisable to accept, is hereby authorized and directed to settle and dismiss a certain action entitled "The People of the State of California, ex rel. John F. Dunn, State Controller, Plaintiff, v. Frank W. Gross, John Martin and John Landers, Defendants," wherein judgment was recovered in favor of the state, against the defendants, in the superior court of the city and county of San Francisco, on the thirteenth day of December, eighteen hundred and eighty-nine, and which cause is numbered in said court twelve thousand nine hundred and two, and wherein John B. Martin and A. J. Martin are made defendants, as executors of the estate of John Martin, deceased, defendant therein, which cause has been appealed to the supreme court of this state. The attorney-general is authorized to dismiss, upon the foregoing terms, said action as

to any or all of the defendants therein, or the executors or heirs of said defendants.

SEC. 2. This act shall take effect immediately.

An act for the relief of the heirs of Michael Curran, deceased.

[Approved March 20, 1891; Stats. 1891, p. 182.]

SECTION 1. The attorney-general is hereby authorized, in his discretion, to enter full satisfaction and discharge of the judgment obtained by the state of California against the estate of Michael Curran, deceased, upon the payment, to the state, of costs, amounting to the sum of one hundred and forty-nine dollars.

472. *Deputies for attorney-general.* The attorney-general may appoint three deputies, who shall be civil executive officers. The annual salary of the first deputy shall be twenty-four hundred dollars. The annual salary of the second deputy shall be twenty-four hundred dollars. The annual salary of the third deputy shall be twenty-four hundred dollars. Said salaries shall be payable in the same manner as the salaries of other state officers.

Subdivision 1. The attorney-general shall not employ special counsel in any case, except those provided in section four hundred and seventy-four of the Political Code.

Subdivision 2. All acts in conflict with this are hereby repealed. [*Amendment approved March 19, 1891; Stats. 1891, p. 135; in effect immediately.*]

474. Examination of books: 72 Cal. 21.

Escheat, premature action: 70 Cal. 153.

475. *Clerk and reporter for attorney-general.* The attorney-general may appoint one clerk for his office, at an annual salary of sixteen hundred dollars, and one phonographic reporter, at an annual salary of eighteen hundred dollars, payable in the same manner as salaries of other state officers.

1. Said clerk and reporter shall be civil executive officers.

2. All acts in conflict herewith are repealed. [*Amendment approved March 20, 1891; Stats. 1891, p. 181; in effect immediately.*]

429. *An act making an appropriation for the payment of an indebtedness created or to be incurred by the surveyor-general, in transcribing records and plat-books in his office.*

[Approved February 27, 1893. Stats. 1893, p. 48.]

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to provide for the payment of the indebtedness created and incurred, or to be incurred, by the surveyor-general of California, in transcribing the records and plat-books in his office, as authorized by the state board of examiners on November nineteenth, eighteen hundred and ninety-one.

SEC. 2. The state controller is hereby authorized to draw his warrants, from time to time, against this appropriation, upon claims approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

430. **Traveling expenses.** 69 Cal. 223.

§ 430 *Superintendent of state printing to be elected.* The superintendent of state printing shall be elected at the same time and place and in the same manner as the governor of the state, and his term of office and qualifications shall also be the same. He shall be a competent practical printer, and before entering upon the discharge of the duties of his office shall give a good and sufficient bond to the people of the state of California in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the governor, for the faithful performance of his duties, which bond shall be filed in the office of secretary of state. [*Amendment approved March 10, 1891; Stats. 1891, p. 59; in effect immediately.*]

§ 431. *Duties of superintendent of state printing.* The duties of the superintendent of state printing shall be as follows: He shall have the entire charge and superintendence of the state printing. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the senate or assembly all matter ordered by either house to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received, and when the work shall have been executed he shall deliver the finished sheets or volumes to the sur-

geant-at-arms of the senate or assembly or of any department authorized to receive them, whose receipts therefor shall be a sufficient voucher to the said superintendent of state printing for their delivery. He shall receive and promptly execute all orders for printing required to be done for the various state officers; *provided*, that all orders from the various state officers shall be first submitted to the state board of examiners, who shall examine the same, after which the secretary of the said board shall indorse on all requisitions for printing the allowance of the same by the said board, and the state printer shall execute no orders whatever unless first approved as herein provided. He shall employ such compositors, pressmen, and assistants as the exigency of the work from time to time requires, and may at any time discharge such employees; *provided*, that at no time shall he pay said compositors, pressmen, or assistants a higher rate of wages than is paid by those employing printers in Sacramento for like work. He shall at no time employ more compositors or assistants than the absolute necessities of the state printing may demand, and he shall not permit any other than state work to be done in the state printing-office. The superintendent of state printing shall, on or before the fifteenth day of September of each year, make a report, in writing, to the governor, embracing a record of the complete transactions of his office for the preceding fiscal year, which report shall show in detail all the items of expense attending the state printing, and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand, which report shall be printed for the use of the legislature. [*Amendment approved March 10, 1891: Stats. 1891, p. 66.*]

539. *Printed copy of bill to be used for engrossed bill.* All bills and other documents ordered engrossed by either house of the legislature shall be delivered by the secretary of the senate or chief clerk of the house, as the case may be, to the engrossing clerk of the house ordering the engrossment, who shall deliver such bills or other documents, without delay, in the order of their receipt, to

the state printer, who shall receipt for the same, and without delay engross (print) the same in the order so numbered by him, and deliver such engrossed bill or other document, with the original thereof, to the engrossing clerk from whom he received the same, who shall carefully compare the engrossed copy with the original, and, if correctly engrossed, report the same back, with the original, to the engrossing committee of the house from which he received it. All bills and other documents required to be enrolled by order of either house shall be delivered by the secretary of the senate or chief clerk of the house, as the case may be, to the enrolling clerk of the house ordering such enrollment, who shall deliver such bills or other documents without delay, in the order of their receipt, to the state printer, who shall receipt for the same, and who shall, without delay, correctly enroll them, and when so enrolled, he shall deliver such enrolled bill or other document, with the original thereof, to the enrolling clerk from whom he received the same, who shall carefully compare such enrolled copy with the original, and if correctly enrolled he shall report the same back, with the original, to the enrolling committee of the house from which he received it. [*New section added March 31, 1891; Stats. 1891, p. 426.*]

632. **Taxing foreign insurance companies:** 71 Cal. 1.

Designation of agent of foreign insurance company: 71 Cal. 28.

633. *Insurance companies — Agents — Conditions and requirements — Insurance commissioner.* No person shall, in this state, act as the agent or solicitor of any life insurance company doing business in this state until he has presented to the commissioner, and filed with him, a duplicate power of attorney from the company, or its authorized agent, authorizing him to act as such agent or solicitor. Upon filing such power, the commissioner shall issue a license to him to act as such agent or solicitor for such company, if such company has received a certificate of authority from *such commissioner to do* business in this state. *Such license shall continue in force* twelve months

from the date thereof, but may be and shall be sooner revoked upon application of the company or its authorized agent. Such license may be renewed, from time to time, for an additional period of twelve months, on production, by the holder, to the commissioner, of a certificate from the company that such person's authority as such agent or solicitor continues. For each such license or renewal thereof, the commissioner shall receive the sum of one dollar. The commissioner shall keep an alphabetical list of the names of the persons to whom such licenses shall be issued, with the date of the license and renewal, and the name of the company for whom such person is working. If any person shall, under a false or fictitious name, procure, or attempt to procure, a license to act as agent or solicitor of any life insurance company, he shall be guilty of a misdemeanor. Every person who, in this state, procures, or agrees to procure, any insurance for a resident of this state from any insurance company not incorporated under the laws of this state, unless such company or its agent has filed the bond required by the laws of this state relating to insurance, and obtained from the commissioner a certificate of authority to do business, and every person who solicits or procures any life insurance without having been duly licensed so to do by the commissioner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly. The insurance commissioner must require, as a condition precedent to the transaction of life insurance business in this state, that every life insurance corporation or company created by the laws of any other state, or of any foreign country, must file in his office the name of an agent, and his place of residence in this state, on whom summons and other process may be served in all actions or other legal proceedings against such corporation or company; all process so served gives jurisdiction over such corporation or company. The agent so appointed must be the principal agent of such corporation or company in this state. Any such foreign corporation or company shall, as a further condition precedent to the transaction of insurance business in this state, and in consideration of the privilege to transact such insurance business in this state, make and

file with the insurance commissioner an agreement or stipulation, executed by the proper authorities of such corporation or company, in form and substance as follows: The (giving name of corporation or company) does hereby stipulate and agree that in consideration of the permission granted by the state of California to it to transact insurance business in this state, that if at any time such corporation or company shall, under the existing provisions of law in this state in relation to insurance companies, be without an agent in this state on whom summons or other legal process may be served, service of such summons or other legal process may be made upon the insurance commissioner, such service upon the commissioner to have the same force and effect as if made upon the corporation or company. Whenever such service of summons or other legal process shall be made upon the insurance commissioner, he must, within ten days thereafter, transmit by mail, by registered letter, a copy of such summons or other legal process to the corporation, addressed to the president or secretary thereof, at its home or principal office; such copy must be certified by the commissioner, under his hand and official seal, and the sending of such copy by the said commissioner shall be a necessary part of the service of summons or other legal process. [*Amendment approved March 9, 1893, Stats. 1893, p. 116.*]

654. *Chairman — Secretary — Duty of secretary.* The governor, and in his absence the secretary of state, is chairman of the board of examiners. The governor shall appoint a secretary, to hold office during his pleasure, whose salary as secretary and ex officio member of the board shall be three thousand dollars per annum, payable as the salaries of other state officers. He is an executive officer attached to the governor's office, and is authorized to administer oaths, and shall perform such duties, other than secretary, as may be assigned to him by the governor, from time to time. [*Amendment approved March 23, 1893; Stats. 1893, p. 182; in effect immediately.*]

This section was also amended at the session of 1891 (Stats. 1891, p. 71). As amended at that session, it read as follows: —

The governor, and in his absence the secretary of state, is

chairman of the board of examiners. The governor shall appoint a secretary, to hold office during his pleasure, whose salary is two thousand four hundred dollars per annum, payable as the salaries of other state officers. He is an executive officer attached to the governor's office, and is authorized to administer oaths, and shall perform such duties other than secretary as may be assigned to him by the governor, from time to time.

657. ***An act authorizing the state board of examiners to sell old furniture and all material belonging to the state and not required for public use.***

[Approved March 31, 1891; Stats. 1891, p. 452.]

SECTION 1. The state board of examiners are hereby authorized to sell, when, in their judgment, they may deem it advisable, the old furniture and all other useless material belonging to the state and not required for state purposes, and pay the proceeds thereof into the state treasury to the credit of the general fund.

SEC. 2. This act shall take effect immediately.

684. ***Assistant secretary to board of examiners.*** The governor may appoint an assistant to the secretary of the state board of examiners, at an annual salary of eighteen hundred dollars, payable in the same manner as the salaries of other state officers. Said assistant is a civil executive officer. [*New section added March 21, 1891; Stats. 1891, p. 194; in effect immediately.*]

Section 2 of section 684 reads as follows: —

There is hereby appropriated the sum of six hundred and seventy-five dollars out of any money in the state treasury not otherwise appropriated, for the payment of the salary of the assistant to the secretary of the state board of examiners for the forty-second fiscal year.

685. *Clerk.* The board may appoint a clerk for the secretary of the board, at an annual salary of sixteen hundred dollars, payable in the same manner as the salaries of other state officers. [*New section added March 23, 1893; Stats. 1893, p. 182; in effect immediately.*]

Sections 4 and 4½ of the above act read as follows: —

SEC. 4. There is hereby appropriated the sum of five hundred dollars out of any money in the state treasury not otherwise appropriated, for the payment of the salary of the clerk for the secretary of the board for the forty-fourth fiscal year.

SEC. 4½. The controller is hereby authorized to draw his warrant for the amount herein made payable, and the treasurer directed to pay the same.

737 *Annual salaries of judges of superior courts.* The annual salaries of the judges of the superior courts of the city and county of San Francisco and of the counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Marin, Mendocino, Tehama, San Bernardino, Kern, Placer, Humboldt, Tulare, Fresno, Solano, Yolo, and Contra Costa are four thousand dollars each; and of the judges of the superior courts of Amador, Calaveras, Stanislaus, and El Dorado, three thousand five hundred dollars per annum; the judges of the superior court of the county of Alpine, two thousand dollars per annum, one half of which shall be paid by the state, and the other half thereof by the county of which the judge is elected or appointed, except that in the counties of Yuba and Sutter one fourth of the salary of the superior judge shall be paid by each county.

SEC. 2. The provisions of this act shall not affect the salary of present incumbents. [*Amendment approved March 11, 1891. Stats. 1891, p. 267.*]

751 *Deputy clerks of supreme court.* He may appoint six deputies, three to reside at San Francisco, two at Los Angeles, one at the state capital. [*Amendment approved April 1, 1891, Stats. 1891, p. 508, in effect immediately.*]

[illegible] of the above act reads as follows:—

SEC. 2. The sum of four thousand and fifty dollars is hereby [illegible] out of any moneys in the state treasury not otherwise [illegible] to pay the salary of one additional deputy [illegible] forty-second, and forty-third, and forty-[illegible]

767 **Deputy reporter,** salary of, 75 Cal. 69.

791 *Number of notaries to appoint.* The governor may appoint and commission such number of notaries public for the several counties of this state as he shall deem necessary for the public convenience, except that in cities and counties and counties of the first class the number shall not exceed sixty. [*Amendment approved March 13, 1891. Stats. 1893, p. 289, in effect immediately.*]

792 *Qualifications of notaries public.* Every person appointed as notary public must, at the time of appoint-

ment, be a citizen of the United States and of this state, and twenty-one years of age; must have resided in the county for which the appointment is made for six months. Women having these qualifications may be appointed. [*Amendment approved March 10, 1891; Stats. 1891, p. 29.*]

801. Liability of sureties: 89 Cal. 115; 82 Cal. 77.

False certificates — Damages: 89 Cal. 115.

False personation — Negligence: 82 Cal. 77; 68 Cal. 455; 75 Cal. 182.

865. Acts of deputy: 93 Cal. 551.

875. Fire commissioner, power to appoint: 93 Cal. 153.

Power of appointment is not necessarily an executive function: 80 Cal. 233.

879. Holding until successor appointed: 69 Cal. 520; 87 Cal. 475; 93 Cal. 153.

892. Issuance of commission: 87 Cal. 475.

907. Qualification, time of: 87 Cal. 475; 85 Cal. 509.

Notice of appointment: 85 Cal. 509.

This section is mandatory: 85 Cal. 509.

909. Neglect to file oath of office, what is not: 79 Cal. 105.

936. *Election contest.* When the title of the incumbent of any office in this state is contested by proceedings instituted in any court for that purpose, no warrant can thereafter be drawn or paid for any part of his salary until such proceedings have been finally determined; *provided, however*, that this section shall not be construed to apply to any party to a contest or proceeding now pending or hereafter instituted who holds the certificate of election or commission of office, and discharges the duties of the office; but such party shall receive the salary of such office, the same as if no such contest or proceeding was pending. [*Amendment approved March 10, 1891; Stats. 1891, p. 28; in effect immediately.*]

937. *Clerk of court must certify.* As soon as such proceedings are instituted, the clerk of the court in which they are pending must certify the facts to the officers whose duty it would otherwise be to draw such warrant or pay such salary, except in the cases included in the proviso to the foregoing section. [*Amendment approved March 10, 1891; Stats. 1891, p. 29; in effect immediately.*]

947 Delivery of official bond: 79 Cal. 64.

948 Approval of bond 78 Cal. 154.

Filing of bond 78 Cal. 154.

958 Bond, to whom payable 74 Cal. 373.

959 Bonds, liabilities of sureties 75 Cal. 513, 78 Cal. 154, [illegible] Cal. 84.

963 Suggestion of defect 78 Cal. 154.

967 Successive bonds 71 Cal. 265.

968 Form of judgment against sureties. 73 Cal. 520.

995 Resignation from office. 71 Cal. 618.

996 Vacancy in office, when occurs 66 Cal. 654, 67 Cal. 11, [illegible] Cal. [illegible], 68 Cal. 251, 79 Cal. 105, 87 Cal. 477, 93 Cal. 153.

This section is mandatory 86 Cal. 309.

1004 Increase of salary, effect of prohibition against, when [illegible] appointed to vacancy. 81 Cal. 565.

1041 *An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof.*

[Approved February 28, 1893. Stats. 1893, p. 12.]

SECTION 1. All nominations of candidates for public office to be filled by election within this state, and presidential electors, must be filed with the proper officer within the time and in the manner prescribed by law. Every certificate of nomination made by the members of a political party, or by a convention or organized assemblage of delegates or other body of electors representing a political party or principle, must be signed as provided by the provisions of sections eleven hundred and eighty-seven or eleven hundred and eighty-eight of the Political Code of this state, and at the time of filing the certificate of nomination the persons signing such certificate of nomination shall also file with the officer authorized by law to receive and file such certificate the names of five persons who have consented, in writing, and consented to act, as a committee to receive, expend, audit, and disburse all moneys contributed, donated, subscribed, or in any wise furnished or paid [illegible] for the purpose of aiding or promoting the election of any candidate or candidates or electors named in said certificate [illegible] or in any other manner to be used in respect of the conduct and management of the election at which such candidate or candidates are to be voted for. The certificate of nomination must not be received or filed unless accompanied by the names of five persons, citizens and electors of this state, to compose such committee, together with their written acceptance and consent to act as such committee, as required by this act. The said committee shall have the exclusive custody of all moneys contributed, donated, subscribed for, or in any wise furnished or paid [illegible] in behalf of the political party, organized assemblage or body, or candidates represented by said committee

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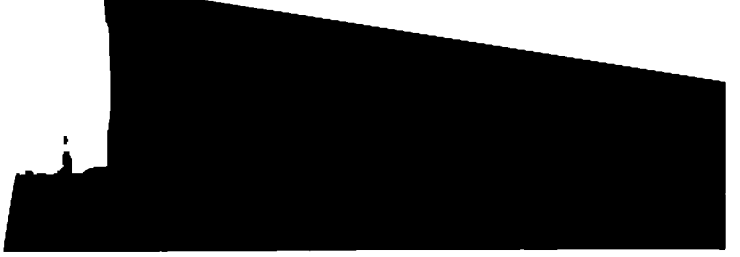
was expended, contributed, or loaned. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, which must be substantially in the following form:

State of California, County of —, ss.

I, —, having been a candidate for the office of —, at the election held on the — day of —, 18—, do solemnly swear that I have paid the sum of $— for my expenses in said election, and no more, and that, except as aforesaid, I have not, nor to the best of my knowledge and belief has any person, firm, society, or association, on my behalf, directly or indirectly, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability, or contracted or agreed to do so, for the nomination or obtaining the vote of the said elector, and except such payments as may have been paid to or expended by the committee appointed as prescribed by the act of the legislature of —, approved —, (date of this act). And I further solemnly swear that, except as aforesaid, no money, security, or agreement for money has to my knowledge or belief been paid or given, or deposited by any one, to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf or in aid of my election, or to account for any part of the conduct or management of the said election. And I further solemnly swear that I will not, at any future time, make, or be a party to the making of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or agreement for money for the purpose of defraying any such expenses.

If the candidate seeks to avoid the responsibility of any such payment made by any other person in his behalf he must state in said affidavit such payment and the name of the person responsible therefor. Returns of elections for officers to be voted for by the electors of the state at large, or of any judicial district, or greater district, or for members of the senate or assembly, or for members of congress, or for members of the state board of equalization, state board of prison directors, and commissioners, shall be made and filed with the secretary of state. Returns of elections for officers whose duties are confined to a county, city and county, city, or township, shall be made and filed with the county clerk of the county wherein the election is held and of each district of the office for which the vote is canvassed. Returns of elections for officers whose duties are confined to a city shall be made and filed with the city clerk. The statement and affidavit of each candidate shall be recorded in the office of the officer with whom it is filed, and shall, after being filed, become a public record, and must at all times be open to public inspection. Vouchers must be filed for all expenditures, except in the case of sums paid to laborers.

Every candidate for a public office who shall refuse or neglect to make, or who makes a false statement of the expenses incurred as prescribed by section three of this act, forfeits his claim to the emoluments of the office, and is subject to the punishment for such offense pro-



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than four years, twenty per cent of the amount of one year's salary of the office. If the term be for more than four years, ten per cent of the amount of one year's salary of the office. If the office be one for which no fees or charges are allowed per diem for a stipulated period or for the number of days actually engaged in the performance of public duties, twenty five per cent of the amount to accrue for the stipulated period. If the office be one for which no salary or regular sum is allowed the officer for the expenses of his office, the expense bond of the candidate for such office shall not exceed ten per cent of the amount of ten per cent of the aforesaid for such office for one year. If the office be one for which no salary or compensation is allowed, except fees or a salary not exceeding one hundred dollars per annum, and fees, the expense bond of the candidate for such office shall not exceed the amount of one hundred and fifty dollars. If the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expense bond of the candidate for such office shall not exceed one hundred dollars. If the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be determined as provided

[illegible] is appointed by the committee selected under the provisions of section [illegible] of this act on account of or in respect of any expenses incurred in the conduct and management of the election, he shall within [illegible] days after the day of the election, pay over to the chairman of the political party committee, or body which such committee represents, all money received by him for the purpose, and if none be received, shall render to such chairman a statement to that effect. Every payment made by any person on behalf of a candidate or committee, and every unpaid claim on account of which a request for the payment or reimbursement of such expenses shall be presented to such candidate or committee within [illegible] days after the day of election, and not paid at the time of rendering the account thereof, shall be paid and accounted for by the candidate or committee making the payment or incurring the liability. All such expenses incurred or claims made must be paid within [illegible] days after the day of election, and not otherwise. Any person who wrongfully withholds or refuses to render any account required by this section shall be guilty of a misdemeanor.

[illegible] The expenses incurred by any committee or candidate in any primary election held to select delegates to any convention to nominate candidates for any office, the maximum amount of which is limited and regulated by this act, shall not exceed the following amounts, to wit: For the office of governor, the sum of five thousand dollars; for the office of lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, and state prison inspector, each the sum of two thousand dollars; for the office of member of assembly, the sum of five hundred dollars; for the office of senator, the sum of one thousand dollars; for the office of member of congress, the sum of one thousand dollars; for the office of justice of the supreme court, the sum of one thousand dollars; for the office of county judge, the sum of one thousand dollars; for the office of surrogate, the sum of one thousand dollars; for the office of district attorney, the sum of five hundred dollars; for the office of sheriff, the sum of one thousand dollars; for the office of county clerk, the sum of five hundred dollars; for the office of coroner, the sum of two hundred dollars; for the office of member of board of supervisors, the sum of two hundred dollars; for the office of justice of sessions, the sum of two hundred dollars; for the office of county treasurer, the sum of five hundred dollars; for the office of superintendent of the poor, the sum of five hundred dollars; for the office of justice of the peace, the sum of two hundred dollars; for the office of constable, the sum of two hundred dollars; for the office of member of board of assessors, the sum of two hundred dollars; for the office of member of board of canvassers, the sum of two hundred dollars; for the office of member of board of inspectors of election, the sum of two hundred dollars; for the office of member of board of excise, the sum of two hundred dollars; for the office of member of board of health, the sum of two hundred dollars; for the office of member of board of police, the sum of two hundred dollars; for the office of member of board of fire commissioners, the sum of two hundred dollars; for the office of member of board of water commissioners, the sum of two hundred dollars; for the office of member of board of gas commissioners, the sum of two hundred dollars; for the office of member of board of electric light commissioners, the sum of two hundred dollars; for the office of member of board of sewer commissioners, the sum of two hundred dollars; for the office of member of board of park commissioners, the sum of two hundred dollars; for the office of member of board of cemetery commissioners, the sum of two hundred dollars; for the office of member of board of public works, the sum of two hundred dollars; for the office of member of board of public improvements, the sum of two hundred dollars; for the office of member of board of public buildings, the sum of two hundred dollars; for the office of member of board of public grounds, the sum of two hundred dollars; for the office of member of board of public parks, the sum of two hundred dollars; for the office of member of board of public squares, the sum of two hundred dollars; for the office of member of board of public markets, the sum of two hundred dollars; for the office of member of board of public slaughter-houses, the sum of two hundred dollars; for the office of member of board of public abattoirs, the sum of two hundred dollars; for the office of member of board of public stockyards, the sum of two hundred dollars; for the office of member of board of public ferries, the sum of two hundred dollars; for the office of member of board of public bridges, the sum of two hundred dollars; for the office of member of board of public tunnels, the sum of two hundred dollars; for the office of member of board of public railroads, the sum of two hundred dollars; for the office of member of board of public canals, the sum of two hundred dollars; for the office of member of board of public docks, the sum of two hundred dollars; for the office of member of board of public piers, the sum of two hundred dollars; for the office of member of board of public wharves, the sum of two hundred dollars; for the office of member of board of public warehouses, the sum of two hundred dollars; for the office of member of board of public elevators, the sum of two hundred dollars; for the office of member of board of public grain elevators, the sum of two hundred dollars; for the office of member of board of public coal yards, the sum of two hundred dollars; for the office of member of board of public lumber yards, the sum of two hundred dollars; for the office of member of board of public brick yards, the sum of two hundred dollars; for the office of member of board of public stone yards, the sum of two hundred dollars; for the office of member of board of public iron yards, the sum of two hundred dollars; for the office of member of board of public steel yards, the sum of two hundred dollars; for the office of member of board of public copper yards, the sum of two hundred dollars; for the office of member of board of public brass yards, the sum of two hundred dollars; for the office of member of board of public zinc yards, the sum of two hundred dollars; for the office of member of board of public lead yards, the sum of two hundred dollars; for the office of member of board of public tin yards, the sum of two hundred dollars; for the office of member of board of public aluminum yards, the sum of two hundred dollars; for the office of member of board of public nickel yards, the sum of two hundred dollars; for the office of member of board of public cobalt yards, the sum of two hundred dollars; for the office of member of board of public manganese yards, the sum of two hundred dollars; for the office of member of board of public chromium yards, the sum of two hundred dollars; for the office of member of board of public tungsten yards, the sum of two hundred dollars; for the office of member of board of public molybdenum yards, the sum of two hundred dollars; for the office of member of board of public vanadium yards, the sum of two hundred dollars; 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ment of the committee or candidate. If the candidate or committee, upon such application, shall show to the satisfaction of said court that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit, or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness, or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or of any reasonable cause of a like manner, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application as the court shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such court, by order, allow such statement and affidavit to be filed, or such error or false recital therein to be corrected, or such claim to be paid, as to the court seems just; and such order shall relieve the applicant from any liability or consequences under this act in respect of the matters excused by the order. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

SEC. 8. No payment of money shall be made and no expense shall be incurred by any person in aid of, or for or on behalf of, any candidate, or on account of or in respect of the conduct or management of an election held within this state, except by a candidate or the committee selected under the provisions of section one of this act, or the committee, body, or superior authority to which such committee is subject; and all expenses incurred by the committee, body, or superior authority to which the said committee is subject shall be paid only from the fund in the custody of the said committee so selected, as required by this act. Any contract for the payment of money or any expense incurred contrary to the provisions of this section shall be absolutely void.

SEC. 9. No payment of any money shall be made by a committee or candidate for the rent of any premises to be used as a committee-room or headquarters, or for holding a meeting, or for the purpose of promoting the election of a candidate, or on account of, or in respect to the conduct or management of, an election, where intoxicating liquors are sold for consumption on the premises, or where intoxicating liquor is supplied to members of any club, society, or association; *provided*, that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of offices, or for holding public meetings, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

SEC. 10. Every bill, placard, poster, pamphlet, or other printed matter having reference to an election, or to any can-

didate, shall bear upon the face thereof the name and address of the printer and publisher thereof and no payment therefor shall be made or allowed unless such address is so printed

SEC. 11. Whenever any candidate for a public office pays, lends or contributes, or offers or agrees to pay, lend, or contribute any money or other valuable consideration to or for any person either for

1. The doing or procuring to be done of any act forbidden to be done by the laws of this state relating to public elections; or

2. The commission of any crime or offense against the elective franchise or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense; or

3. Providing wholly or in part the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct or ward or district with the purpose of securing the vote of such person for himself or any other person at an election held within the state; or

4. The hiring or employment of a person to take or maintain a place in or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling-place or election-booth of an election precinct; or

5. For services rendered in securing his nomination for the office of which he is a candidate or for placing his name upon any list of nominees filed with a public officer authorized to receive certificates of nomination except the cost of expense authorized by the Political Code to be contributed by a candidate for nomination to defray the legal and authorized expenses of a primary election, and except, as to the cost or expense of circulating a nomination petition for signatures of voters, or in consideration of any member of a convention, organized assemblage of delegates, or other body representing or claiming to represent a political party or principle having voted to secure for him his nomination or indorsement as the nominee of such convention, organized assemblage or body, for the office for which he is a candidate or in consideration of any person aiding him in securing his election or indorsement as aforesaid; or

6. In consideration of any person withdrawing as a candidate for public office or presidential elector at any election held within this state; or

7. For any purpose in contravention of the provisions of this act; or

8. For any purpose whatever in excess of the maximum amount which such candidate may lawfully expend under the provisions of this act; or

9. Makes any payment after the time limited by this act, unless the same is authorized as provided in this act, or unless it be in satisfaction of a judgment obtained against him,

whether before, during, or after an election, in respect of or on account of such election, or who refuses or neglects to file the statement prescribed by section three of this act, or who makes or files a false statement thereof, or is guilty of any crime against the elective franchise, or of any offense which is punishable by fine or imprisonment, or both, under the provisions of this act,—such candidate shall, in addition to the punishment prescribed by the laws of this state or by this act, forfeit any office to which he may have been elected at the election in reference to which such crime or offense was committed, and if the candidate so offending is the incumbent of an office of profit or trust under the laws of this state, he shall thereby forfeit this office Any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by or on behalf of a committee selected under the provisions of section one of this act, and such payment is made for any purpose which, if the money were expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall be deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee.

SEC. 12. Any elector of the state, or of any county, city and county, city, or of any political subdivision of either, may contest the right of any person declared elected to an office to be exercised therein for any of the causes or offenses named in this act, or to annul and set aside the election of any person declared elected to an office to be exercised therein who has forfeited his office for any offense committed in contravention of this act. In such a proceeding the provisions of title two of part three of the Code of Civil Procedure of the state of California, relating to the proceedings of contesting certain elections, so far as they are not inconsistent with the provisions of this act, are applicable to proceedings authorized by this section. If the contest or proceedings be as to the right of any person declared elected to the office of senator or member of the assembly, the provisions of sections two hundred and seventy-three to two hundred and eighty-three, both inclusive, of the Political Code of this state shall govern and control the conduct and disposition of such contest or proceeding. If the contest be as to the right of any person declared elected to the office of governor or lieutenant-governor, such proceedings shall be had as are provided by sections two hundred and eighty-eight to two hundred and ninety-five, both inclusive, of the Political Code of this state, and shall govern and control the conduct and disposition of such proceeding. Any offense mentioned in this act which, if committed by the incumbent of an office, other than member of the senate or assembly, or governor or lieutenant-governor, or any other office named in section eighteen of article four of the constitution of this state, is cause of removal of such officer from his office, and is hereby declared to be a misdemeanor in office, within the meaning of the constitution of this state; and for any such misdemeanor

in office, the governor, lieutenant-governor, or other officer mentioned in said section eighteen of article four of the constitution, is liable to impeachment. For any such misdemeanor in office committed by a member of the senate or assembly of this state, with the concurrence of two thirds of the members elected, such member may be expelled. If the proceeding is against the incumbent of an office of profit or trust under the laws of this state, other than member of the senate or assembly, or governor or lieutenant-governor, or other officer liable to impeachment, to remove him from or deprive him of his office for any offense in contravention of the provisions of this act, the provisions of sections seven hundred and fifty-eight to seven hundred and seventy-two, both inclusive, of the Penal Code of the state of California shall be applicable to such proceedings.

SEC. 13. Where, upon the trial of any action or proceeding under the provisions of this act for the contesting of the right of any person declared elected to an office, or to annul and set aside such election, or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offenses at such election were taken by and on behalf of the candidate, or that the offenses complained of were trivial, unimportant, and limited in character, and that in all other respects his participation in the election was free from such offenses or illegal acts, or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be just that the said candidate should not forfeit his office, or be deprived of any office of which he is the incumbent, then the election of such candidate shall not, by reason of such offense or omission complained of, be void, nor shall the candidate be removed from or deprived of his office.

SEC. 14. An action to contest the right of any person declared elected to an office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in this act, must, unless a different time be stated, be commenced within forty days after the return day of the election at which such offense was committed, or unless the ground of the action or proceeding is the illegal payment of money or other valuable thing subsequent to the filing of the statement prescribed by section three of this act, in which case the action or proceeding may be commenced at any time after such illegal payment. A contest of the office of governor or lieutenant-governor, or member of the senate or assembly, must be commenced within twenty days after the certificate of election is issued or the declaration of the result of the election.

SEC. 15. An application for filing a statement, payment of a claim, or correction of an error or false recital in a statement

or the office to which he is elected
bent is filed, or would be filed under any law ex-
quent to the first day of January, eighteen hundred
-six, had such law been in force at the time he was
e.

A candidate elected to an office, and whose election
s been annulled and set aside for any offense men-
this act, shall not, during the period fixed by law as
f such office, be appointed to fill any vacancy which
fixed term office. A candidate or other person who is
from or deprived of his office for any of the men-
this act shall not, during the period remaining as
pired term of such office, or during the period fixed
the next succeeding term of such office, be appointed to
acancy which may occur in such office. Any appoint-
n office made in violation of or contrary to the pro-
f this section shall be void.

Every offense mentioned in this act which is pun-
y imprisonment in the state prison is hereby declared
infamous crime, and when any person is convicted of
e hereby declared to be an infamous crime, he shall,
on to the punishment prescribed by the law for this
such offense, be excluded from the right of suffrage
h conviction, and it shall be the duty of the county
he county in which any such conviction shall be had
nit a certified copy of the record of conviction to the
each county of the state within ten days thereafter,
id certified copy shall be duly filed by the said county
their respective offices, and a record of such must be
d such record shall be a public record, and open to
ection of any citizen.

If the district attorney of the county shall be noti-
ny officer or other person of any violation of any of
isions of this act, it shall be his duty forthwith to dili-
of such violation, and if there is

[illegible] to assist the district attorney to perform his duties under this act, and such attorney shall be recognized by the district attorney and the court as associate counsel in the proceeding and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the district attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

Sec. 19. It shall be unlawful for any person directly or indirectly, by himself or through any other person:

1. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration, to or for any voter or to or for any other person to induce such voter to vote or refrain from voting at any election or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls, at such election.

2. To give, offer, or promise any office, place, or employment, or to promise to procure, or endeavor to procure, any office, place, or employment to or for any voter or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

3. To make any gift, loan, promise, offer, procurement or agreement, as aforesaid, to, for, or with any person in order to induce such person to procure, or endeavor to procure, the election of any person or the vote of any voter at any election.

4. To procure or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at such election.

5. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election, or in knowingly paying or causing to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

6. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in hiring, lodging, or maintaining a person at any place of domicile in any election precinct or ward or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election.

7. To advance or pay, or cause to be paid, any money or

other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the state prison.

8. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association having voted to select or indorse any person as a candidate for a public office, except that a candidate for nomination to a public office may contribute such proportion of the cost and expense of holding a primary election as is authorized by the Political Code of this state, and no more.

9. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

Every person who commits any of the offenses mentioned in this section is punishable, upon conviction thereof, by imprisonment in the state prison for not less than one year nor more than seven years.

SEC. 20. It shall be unlawful for any person, directly or indirectly, by himself, or through any other person, —

1. To receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons at any election.

2. To receive any money or other valuable thing, during or after an election, on account of himself or any other person having voted or refrained from voting, for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come to or remain away from the polls, at such election.

3. To receive any money or other valuable thing, before, during, or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle,

or any club, entity, or association, or on account of himself or any other person having aided in securing the election or indorsement of any other person as a nominee or candidate as aforesaid.

Every person who commits any of the offenses mentioned in this section is punishable, upon conviction, by imprisonment in the state prison for not less than one nor more than seven years.

Sec. 21. Every person who willfully causes, procures, or allows himself to be registered in the precinct register or great register of any county or city and county, knowing himself not to be entitled to such registration, is punishable by imprisonment in the state prison for not less than one nor more than three years.

Sec. 22. Every person who willfully causes, procures, or allows any other person to be registered in the precinct register or great register of any county, or city and county, knowing such person not to be entitled to such registration, is punishable by imprisonment in the state prison for not less than one year nor more than three years.

Sec. 23. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two or more tickets folded together, or changes any to or after the same has been deposited in the ballot box, or adds or attempts to add any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or carries away or destroys, or attempts to carry away or destroy, any poll list or ballots or ballot boxes for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the returns of the election, that the rightful result thereof is prevented or delayed for such time that the person rightfully elected is not installed in office during the term for which he was elected, is punishable by imprisonment in the state prison for not less than two nor more than seven years.

Sec. 24. Every person not entitled to vote who fraudulently attempts to vote or who, being entitled to vote, attempts to vote more than once, at any election, or who persuades or attempts to persuade a person legally entitled to vote to refrain therefrom, is punishable by imprisonment in the state prison for not more than one nor more than two years.

Sec. 25. Every person who gives or offers a bribe to any officer or member of any legislative assembly, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for public offices of honor, trust or profit in this state, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than to another, and every

person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the state prison not less than one nor more than seven years.

SEC. 26. Every officer or clerk of election who aids in changing or destroying any poll list or official ballot, or in placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballots, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the state prison for not less than two nor more than seven years.

SEC. 27. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward where no election was in fact held, or willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the state prison for a term not less than two nor more than seven years. Every person who willfully adds to or subtracts from the votes actually cast at an election, in any official or unofficial returns, or who alters such returns, is punishable by imprisonment in the state prison for not less than one nor more than five years.

SEC. 28. Every person who aids, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, or who aids or abets in the commission of any of the offenses mentioned in the preceding sections, is punishable by imprisonment in the state prison not exceeding two years.

SEC. 29. Every person charged with the performance of any duty under the provisions of any law of this state relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by the code of this state, punishable by fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or by both.

SEC. 30. Every person who, being a member of the committee selected as prescribed in section one of this act, or a candidate for a public office at an election, makes and files any false statement of moneys received and expended on account of or in respect of the conduct and management of the election in reference to which such statement is filed, is guilty of perjury, and is punishable by imprisonment in the state prison for not less than one year nor more than seven years.

SEC. 31. Every person who signs or presents for filing a cer-

affects as prescribed by section one of this act, which contains the name of a fictitious person, or the name of any person other than those actually selected to perform the duties required of the committee to be selected under the provisions of section one of this act or who practices any fraud, device or artifice to conceal the true names of the persons actually charged with the duties belonging to the said committee, is punishable, upon conviction by imprisonment in the state prison for not less than one year nor more than seven years.

SEC. 3. A person offending against any provision of sections nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty and thirty-one of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person, but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or prosecution by information, nor to prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such indictment, information, or prosecution.

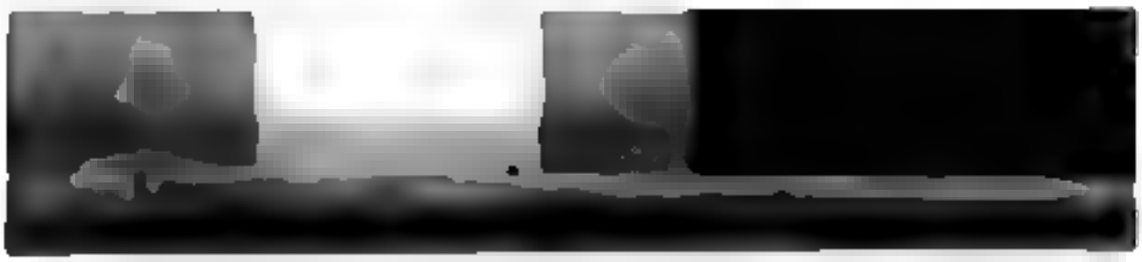
SEC. 4. It shall be unlawful for any candidate for public office before or during an election to make any bet or wager with a voter or take a share or interest in or in any manner become a party to such bet or wager or provide or agree to provide any money to be used by another in making such bet or wager upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter depending upon the result of any election with the intent thereby to procure the exchange of such voter, or to prevent him from voting at such election. Every person who commits any of the offenses mentioned in this section is guilty of a misdemeanor.

SEC. 5. Every candidate for a public office who refuses or neglects to file a statement as prescribed in section three of this act, is guilty of a misdemeanor.

SEC. 6. Every member of a committee selected under the provisions of section one of this act who refuses or neglects to file a statement as prescribed by section two of this act, is guilty of a misdemeanor.

SEC. 7. Every person who advances or pays or causes to be paid any money or other valuable thing, to any person in violation of any section, right or plan of this act, knowing that such money is to be used for such illegal purpose, is guilty of a misdemeanor.

SEC. 8. Every candidate who makes any payment in aid of his election, or in the conduct and management thereof, in excess of the sum authorized or permitted to be expended by this act, or contrary to the provisions of this act, is guilty of a misdemeanor, and a forfeiture of his office is incurred, and the office is vacant, and the authority to proceed for such illegal payment, such payment so



made contrary to or in violation of said sections five or six of this act shall constitute a separate and distinct offense.

Sec. 5. Every member of a committee appointed under the provisions of section one of this act who makes any payment contrary to or in violation of the provisions of sections five or six of this act, or who makes a different payment to that provided for such filing payment, is guilty of a misdemeanor.

Sec. 6. Every person who, either before or during an election day, directly or indirectly gives or provides, or pays, wholly or in part the expense of giving or providing any meat, drink, refreshment, entertainment or provision to any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at an election, or to cause to the place of remain away from the polls, on account of such person or any other person having voted or refrained from voting, or having come to the polls or remained away from the polls or having been about to vote or refrain from voting at such election, is guilty of a misdemeanor.

Sec. 7. Every person who sets up any booth, or other erection, in any place set apart for the registration of voters for the receiving of votes at an election, or for the counting of votes cast at an election, and every other person who for the deposit of votes or who attends the giving or depositing of any money for the purpose of providing any drink, refreshment, or entertainment to or for any person employed in or about the registration of voters, or the polling of votes, or the counting of votes cast at an election, or who gives or provides any moneys as aforesaid, is guilty of a misdemeanor.

Sec. 8. It shall be unlawful for any person, directly or indirectly, by himself, or any other person in his behalf, to make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten the infliction by himself, or through any other person, of any injury, damage, harm, or loss, or in any manner practice intimidation upon or against any person, in order thereby to compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons having voted or refrained from voting at any election, or on account of such person having voted or refrained from voting at any election; and it shall be unlawful for any person by abduction, duress, or any forcible or fraudulent device or contrivance to impede, prevent, or otherwise interfere with the free exercise of the franchise by any voter at any election, or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election; or to refrain from giving his vote for any particular person at any election. It shall not be lawful for any employer to pay his employees the amount of their wages in any store or place of business which is owned, kept or controlled in whole or in part by him, directly or indirectly, openly or secretly, or to give or offer to them any inducement or reward, or to threaten them with loss or injury, for the purpose of influencing or attempting to influence the political opinions or votes of such employees. Nor shall it be lawful for any employer,

within ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice, or information, that in case any particular ticket of a political party or organization, or candidate shall be elected, work in his place or establishment will cease in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section shall apply to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

SEC. 42. Every inspector, judge, or clerk of an election who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same into the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge, or clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, or by both such fine and imprisonment.

SEC. 43. Other crimes against the elective franchise are defined, and the punishment thereof prescribed, by the Penal Code relating to the subject, and by special statutes.

SEC. 44. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 45. This act shall take effect and be in force from and after its passage.

1058. Proclamation of election. 67 Cal. 327

1088. *Qualifications and disabilities of electors.* Every male citizen of the United States, every male person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof who shall have become such ninety days prior to any election, of the age of twenty one years, who shall have been a resident of the state one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, and whose name shall be enrolled on the great register of such county fifteen days prior to an elec-

SEC. 2. All acts or parts of acts in c
by repealed.

An act to ascertain and express the will
California upon the subject of requir
cation of voters.

[Approved March 17, 1891; St

WHEREAS, It is expedient that the wis
state upon the subject of requirin
ification of voters should be unm
order that future legislatures may b
mitting amendments to the constitu
fore,

The people of the state of California, r
assembly, do enact as fol

SECTION 1. That thirty days prior to
election the governor shall issue his pro
the electors to signify at said election t
an educational qualification should be
this state, by placing upon the ballot t
cational qualification requiring every v
his name, and read any section of th
English language," or the words "Ag
qualification requiring every voter to be
and read any section of the constitutio
guage"; and the inspectors and the jud
and every poll in the state shall ascert
of the number of votes cast "For an edu
requiring every voter to be able to wri
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the number of votes cast "Against an
tion requiring every voter to be able t
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in like manner as other votes are requi
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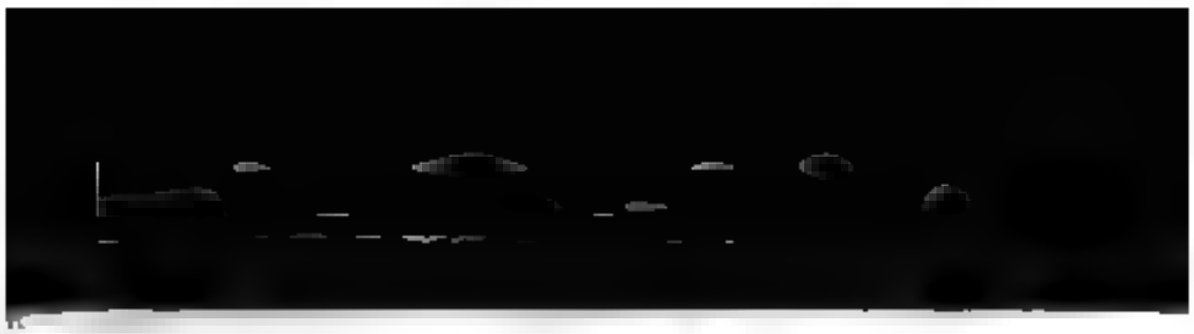


New registration, time allowed: 96 Cal. 365.

1096. *Entry of registration of voters.* Such entry must show, —

1. The name, at length.
2. The age, omitting fractions of years.
3. The height.
4. The complexion.
5. The color of eyes.
6. The color of hair.
7. The visible marks or scars, if any, and their locality.
8. The country of nativity.
9. The place of residence (giving the ward or precinct).
10. If naturalized, the time and place of naturalization.
11. The date of the entry of each person; each name must be numbered in the order of its entry.
12. The post-office address at date of entry of each person. [*Amendment approved March 31, 1891, Stats. 1891, p. 231.*]

1142. Precinct boards of registration: 86 Cal. 64; 88 Cal. 514.

1185. *Ballots and other printing to be at public expense.* All ballots cast in elections for public officers within this state shall be printed and distributed at public expense, as hereinafter provided. The printing of general tickets and cards of instruction to electors of each county, and the delivery of the same to the election officers, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; and the printing and delivering of "municipal tickets," and also in case of separate elections for city, city and county, or town officers, the printing and delivering of cards of instruction, shall be a charge upon the respective city, city and county, or town in which such "municipal tickets" and cards of instruction are to be used, the payment of which shall be provided for in the same manner as the payment of other city, city and county, or town expenses. [*Amendment approved March 20, 1891, Stats. 1891, p. 165, in effect July 1, 1891.*]

1186. *What a convention is.* Any convention, as hereinafter defined, held for the purpose of making nominations

for public office, and also electors, to the number hereinafter specified, may nominate candidates for public office to be filled by election within the state. A convention, within the meaning of this act, is an organized assemblage of delegates representing a political party which, at the last election before the holding of such convention, polled at least three per cent of the entire vote of the state, county, district, or other political division for which the nomination is made; *provided*, that in any county, township, city, or district wherein no general election shall have been held after its organization, a convention of any party polling at least three per cent of the votes cast in the precincts composing such county, township, city, or district shall have the same power, and its nominations the same effect, as though such county, township, city, or district had been organized before the next preceding general election. [*Amendment approved March 20, 1891; Stats. 1891, p. 165; in effect July 1, 1891.*]

1187. *Certificate of nomination.* All nominations made by any such convention shall be certified as follows: The certificate of nomination, which must be in writing, shall contain the name of each person nominated, his residence, and the office for which he is nominated, and shall designate the party or principle which such convention represents. It shall be signed by the chairman and secretary of such convention, who shall add to their signatures their respective places of residence, and make oath, before an officer authorized to administer the same, that the matter stated in such certificate is true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination. [*Amendment approved March 20, 1891; Stats. 1891, p. 166; in effect July 1, 1891.*]

1188. *How candidates may be nominated.* A candidate for public office may be nominated, otherwise than by a convention, in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section one thousand one hundred and eighty-seven of this code, shall be signed by electors residing within the district or political division for which candidates are to be presented, equal in number

, at least three per cent of the entire vote cast at the last preceding election in the state, district, or political division for which the nomination is to be made. Said signatures need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, when he resides in a city. One of the signers of each such paper shall swear that the statements therein made are true, and that each signature to said paper appended is the genuine signature of the person whose name purports to be thereto subscribed. Such a certificate, when made as above prescribed, shall have the same effect as a certificate of nomination made by a party convention. Any person signing to such certificate of nomination any name but his own, or any person making a false oath to such certificate of nomination, shall be punished by imprisonment in the state's prison not exceeding five years. [*Amendment approved March 23, 1893; Stats. 1893, p. 303; in effect immediately.*]

This act was also amended at the session of 1891: Stats. 1891, p. 136. As then amended, it was as follows: —

A candidate for public office may be nominated, otherwise than by a convention, in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section one thousand one hundred and eighty-seven of this code, shall be signed by electors residing within the district or political division for which candidates are to be presented, equal in number to at least five per cent of the entire vote cast at the last preceding election in the state, district, or political division for which the nomination is to be made. Said signatures need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, when he resides in a city. One of the signers of each such certificate shall swear that the statements therein made are true, to the best of his knowledge and belief, and a certificate of such oath shall be annexed. Such a certificate, when made as above prescribed, shall have the same effect as a certificate of nomination made by a party convention.

An act to authorize the use of the ballot paper now the property of the state.

[Approved March 31, 1891; Stats. 1891, p. 452.]

SECTION 1. The secretary of state is hereby authorized and required to utilize the ballot paper in his custody for county and municipal ballots, in coming elections, to the best advantage.

SEC. 2. This act shall take effect from and after its passage.

of the above amendment reads: —
l, acts or parts of acts in conflict herewith are here-
.

certain and express the will of the people of the state of
n upon the subject of requiring an educational qualifi-
voters.

Approved March 17, 1891, Stats. 1891, p. 115.]

It is expedient that the wishes of the people of this
pon the subject of requiring an educational quali-
n of voters should be unmistakably expressed, in
hat future legislatures may be guided thereby in sub-
amendments to the constitution of the state; there-

le of the state of California, represented in senate and
assembly, do enact as follows: —

1. That thirty days prior to the next general state
the governor shall issue his proclamation calling upon
ors to signify at said election their will as to whether
itional qualification should be required of voters in
, by placing upon the ballot the words "For an edu-
qualification requiring every voter to be able to write
e, and read any section of the constitution in the
language," or the words "Against an educational
tion requiring every voter to be able to write his name,
any section of the constitution in the English lan-
and the inspectors and the judges of election at each
y poll in the state shall ascertain and make returns
mber of votes cast "For an educational qualification
every voter to be able to write his name, and read
tion in the English language," and
educational qualifica-

code; and each clerk or secretary of the legislative body of any incorporated city or town shall, for a like period, preserve in his office all certificates of nomination filed therein under the provisions of this code. [*Amendment approved March 20, 1891; Stats. 1891, p. 167; in effect July 1, 1891.*]

The section superseded by the above amendment related to the form of ballots. As to the heading of tickets under the superseded section, see 92 Cal. 135, as to the effect of illegal marking, see the same case; as to spurious printed ballots, see 83 Cal. 70; as to effect of a short ballot, see 67 Cal. 497. These decisions were under the section superseded.

1192. *When certificate to be filed.* Certificates of nomination required to be filed with the secretary of state shall be filed not more than sixty days and not less than forty days before the day fixed by law for the election of the persons in nomination when the nomination is made by a convention, and not more than sixty days and not less than thirty days before the day of election when the nomination is made by electors, as provided in section one thousand one hundred and eighty-eight of this code. Certificates of nomination required to be filed with the county clerks, or with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty nor not less than thirty days before the day of election when the nomination is made by a convention, and not more than fifty days nor less than twenty days before the day of election when the nomination is made by electors. Should a vacancy in the list of nominees of a convention occur, such vacancy may be filled by the convention, or if it has delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancy, proceed to fill the same; *provided*, that no nomination shall be made or certified at a period before the day of election less than the minimum number of days provided for filing certificates of nomination made under this code. The chairman and secretary of the convention or of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that

1189. *Where certificates are to be filed for state and county offices.* Certificates of nomination shall be filed with the secretary of state for the nomination of candidates for offices to be filled by the electors of the entire state, or for members of the state board of equalization, state board of railroad commissioners, or house of representatives. Certificates of nomination shall be filed with the clerk or secretary of the legislative body of any incorporated city or town for the nomination of any candidate for an office under the government of any city or town, to be filled by the electors of such city or town. For all other nominations to public offices, certificates of nomination shall be filed with the clerks of the respective counties wherein the offices are to be filled by the electors; and where the district or political division embraces more than one county, such certificate must be filed with the clerk of the county in which the candidate resides; and the name of each such candidate, as specified in the certificate of nomination, shall be certified by said county clerk to the county clerks of the other counties within the district or political division not less than fifteen days before the day of election. [*Amendment approved March 20, 1891; Stats. 1891, p. 167; in effect July 1, 1891.*]

1190. *No person to recommend two candidates.* No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating, under the provisions of this code, more than one nominee for each office to be filled; and no person who has voted in a convention for or against a candidate for any office shall join in nominating, in any manner, any other nominee for that office, and no person shall accept a nomination to more than one office. [*Amendment approved March 20, 1891; Stats. 1891, p. 167; in effect July 1, 1891.*]

1191. *Certificates to be preserved.* The secretary of state shall preserve in his office for the period of two years all certificates of nomination filed therein under the provisions of this code; and each county clerk shall preserve in his office for a like period all certificates of nomination filed therein under the provisions of this

code; and each clerk or secretary of the legislative body of any incorporated city or town shall, for a like period, preserve in his office all certificates of nomination filed therein under the provisions of this code. [*Amendment approved March 30, 1891; Stats. 1891, p. 167; in effect July 1, 1891.*]

The section superseded by the above amendment related to the form of ballots. As to the heading of tickets under the superseded section, see 92 Cal. 135; as to the effect of illegal marking, see the same case; as to spurious printed ballots, see 83 Cal. 70; as to effect of a short ballot, see 67 Cal. 497. These decisions were under the section superseded.

1192. *When certificates to be filed.* Certificates of nomination required to be filed with the secretary of state shall be filed not more than sixty days and not less than forty days before the day fixed by law for the election of the persons in nomination when the nomination is made by a convention, and not more than sixty days and not less than thirty days before the day of election when the nomination is made by electors, as provided in section one thousand one hundred and eighty-eight of this code. Certificates of nomination required to be filed with the county clerks, or with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty nor not less than thirty days before the day of election when the nomination is made by a convention, and not more than fifty days nor less than twenty days before the day of election when the nomination is made by electors. Should a vacancy in the list of nominees of convention occur, such vacancy may be filled by the convention, or if it has delegated to a committee the power fill vacancies, such committee may, upon the occurring such vacancy, proceed to fill the same; *provided*, that nomination shall be made or certified at a period before day of election less than the minimum number of days vided for filing certificates of nomination made under code. The chairman and secretary of the convention such committee shall thereupon make and file with proper officer a certificate setting forth the cause of acancy, the name of the person nominated, the office hich he was nominated, the name of the person for the new nominee is to be substituted, the fact that

... the place of that of
original nominee. Any person whose name has been
sented as a candidate may, at least five days before
making of the publication of the nominations preser
in this section, cause his name to be withdrawn from n
nation, by filing with the secretary of state and cou
clerk his request therefor, in writing, signed by him,
acknowledged before the county clerk of the county
which he resides, and no name so withdrawn shall
printed on the ballot. [*Amendment approved March
1891; Stats. 1891, p. 167; in effect July 1, 1891.*]

1193. *Secretary of state to certify.* Not less th
twenty-five days before an election to fill any pul
office, the secretary of state shall certify to the cou
clerk of each county within which any of the elect
may by law vote for candidates for such office, the nan
of each person nominated for such office, as specified
the certificate of nomination filed with the secretary
state. [*Amendment approved March 20, 1891; Stats. 18
p. 168. In effect July 1, 1891.*]

1194. *Duty of county clerk.* At least fifteen days l
fore an election to fill any public office, the county cle
of each county shall cause to be sent to the chairman
the county committee of each organized political party
each county the nominations to office certified to him
the secretary of state, and also all those filed with t
county clerk. In all counties where a new registrati
shall take place ...

nd also all those filed with the county clerk, each
h shall be inclosed in said envelope, and cause
se to be mailed in the United States post-office as
matter, for delivery to each of said voters. The
of all of said envelopes containing sample ballots,
said, shall commence at least ten days before the
election to fill any public office, as aforesaid, and
e so that all of said envelopes containing said sam-
ots shall have been mailed at least three whole days
the day of election to fill any public office, as above
d. If a new registration does not take place in
nty preceding the next ensuing election, the county
hall cause envelopes to be addressed to each voter,
r with the number of the residence of said voter,
ect post-office address, as the same appears upon
ister corrected at that time, as the law provides,
use to be inclosed therein the nominations to office
d to him, as aforesaid, and cause the same to be
in the manner and within the time as above pro-
The clerk or the secretary of the legislative body
incorporated city or town with whom the names
candidates have been filed shall mail, in the United
post-office, envelopes addressed to each voter, to-
with the sample ballots inclosed therein, the list of
tions filed with him, in the same manner as the
nominations mailed by the county clerk, as pro-
n this section. [*Amendment approved March 23.*

issued before the day of election. The list of nominations published by the county clerks of the respective counties shall be arranged in the order and form in which they will be printed upon the ballot. The clerk or the secretary of the legislative body of any incorporated city or town with whom the names of any candidates have been filed shall publish in the same manner the lists of nominations filed with him; but where only one newspaper is printed in any county, city, or town, then publication in such newspaper shall be deemed sufficient; and where no newspaper is printed in such county, city, or town, publication shall be made through any newspaper designated by the board of supervisors of said county, or the legislative body of such city or town, and by posting copies of the ballot in three of the most public places in such county, city, or town, not less than ten days before the day of election.

1195. *Constitutional amendments.* Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for the popular vote, the secretary of state shall duly, and not less than twenty-five days before election, certify the same to the clerk of each county of the state; and the clerk of each county shall include the same in publication provided for in section one thousand one hundred and ninety-four of this code. [*Amendment approved March 20, 1891; Stats. 1891, p. 169; in effect July 1, 1891.*]

1196. *County clerk to provide ballots.* Except as in this code otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to, or filed with the county clerk, in the manner provided for in this code. Ballots other than those printed by the respective county clerks, or the clerk or secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the county clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city or county participate, and to cause to be printed in such separate ballots the

thereon. All of said envelopes shall be securely kept by the said county clerk, and, ten days before election to fill any public office, he shall cause to be folded and placed in said envelope, for mailing, sample ballots containing the nominations to office certified to him by the secretary of state, and also all those filed with the county clerk, each of which shall be inclosed in said envelope, and cause the same to be mailed in the United States post-office as printed matter, for delivery to each of said voters. The mailing of all of said envelopes containing sample ballots, as aforesaid, shall commence at least ten days before the time of election to fill any public office, as aforesaid, and continue so that all of said envelopes containing said sample ballots shall have been mailed at least three whole days before the day of election to fill any public office, as above provided. If a new registration does not take place in any county preceding the next ensuing election, the county clerk shall cause envelopes to be addressed to each voter, together with the number of the residence of said voter, or correct post-office address, as the same appears upon the register corrected at that time, as the law provides, and cause to be inclosed therein the nominations to office certified to him, as aforesaid, and cause the same to be mailed in the manner and within the time as above provided. The clerk or the secretary of the legislative body of any incorporated city or town with whom the names of any candidates have been filed shall mail, in the United States post-office, envelopes addressed to each voter, together with the sample ballots inclosed therein, the list of nominations filed with him, in the same manner as the list of nominations mailed by the county clerk, as provided in this section. [*Amendment approved March 23, [illegible] State 1891, p. [illegible] in effect immediately.*]

[illegible] was also amended at the session of 1891 Stats. [illegible] as then amended, it read:

[illegible] days before an election to fill any public office, [illegible] clerk of each county shall cause to be published [illegible] two newspapers of general circulation within the [illegible] office certified to him by the [illegible] of state [illegible] those filed with the county clerk, [illegible] all make not less than [illegible] publications in each of [illegible] before election day, one of such publications [illegible] made upon the last day upon which such newspaper is

issued before the day of election. The list of nominations published by the county clerks of the respective counties shall be arranged in the order and form in which they will be printed upon the ballot. The clerk or the secretary of the legislative body of any incorporated city or town with whom the names of any candidates have been filed shall publish in the same manner the lists of nominations filed with him; but where only one newspaper is printed in any county, city, or town, then publication in such newspaper shall be deemed sufficient; and where no newspaper is printed in such county, city, or town, publication shall be made through any newspaper designated by the board of supervisors of said county, or the legislative body of such city or town, and by posting copies of the ballot in three of the most public places in such county, city, or town, not less than ten days before the day of election.

1195. *Constitutional amendments.* Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for the popular vote, the secretary of state shall duly, and not less than twenty-five days before election, certify the same to the clerk of each county of the state; and the clerk of each county shall include the same in publication provided for in section one thousand one hundred and ninety-four of this code. [*Amendment approved March 20, 1891; Stats. 1891, p. 169; in effect July 1, 1891.*]

1196. *County clerk to provide ballots.* Except as in this code otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to, or filed with the county clerk, in the manner provided for in this code. Ballots other than those printed by the respective county clerks, or the clerk or secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the county clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city or county participate, and to cause to be printed in such separate ballots the

name of every candidate for a city and county office whose name has been filed with the said county clerk in the manner provided for in this code. It shall be the duty of the clerk or secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town participate, and to cause to be printed on such separate ballots the name of every candidate whose name has been filed with such clerk or secretary in the manner provided for in this code. All ballots shall be of the necessary size and shape to contain the names of all the candidates, together with the necessary blank spaces hereinafter provided for, and shall be printed on tinted paper furnished by the secretary of state. It shall be the duty of the secretary of state to obtain and keep on hand a sufficient supply of paper for ballots, and to furnish the same, in quantities ordered, to any county clerk, or clerk or secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be water-marked with a design to be furnished by the secretary of state, in such manner that the said water-mark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing, or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years, but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot, and marked as voted for. [*Amendment approved March 30, 1891, Stats. 1891, p. 169; in effect July 1, 1891.*]

1197. *Ballots to contain words "General Ticket" or "Municipal Ticket."* All ballots printed by any [illegible] other than the separate ballots containing [illegible] candidates for city and county officers [illegible]

county clerks of consolidated cities and counties, shall be headed "General Ticket"; and all ballots printed by county clerks of consolidated cities and counties containing the names of candidates for city and county offices, and also all tickets printed by the clerk or secretary of a legislative body of any incorporated city or town, shall be headed "Municipal Ticket." Under the heading of all general tickets the respective number of the congressional, senatorial, and assembly districts in which each ticket is to be voted shall be printed, together with the following direction to voters: "To vote for a person, stamp a cross (X) in the square at the right of the name." Opposite the title of each office shall be printed a direction to the voter, specifying the number of persons to be voted for for that office, and opposite each constitutional amendment or other question to be voted upon, in separate lines, the words "Yes" and "No." All municipal tickets containing the names of candidates for ward or district officers, in addition to such direction to voters, shall have the number of the ward or district in which such ticket is to be voted printed thereon. All municipal tickets shall be printed upon paper of a different tint from that of the general ticket. On each ballot a perforated line shall extend from top to bottom, one half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing, except the number of the ballot, which shall be upon the back of such strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots shall be eighteen inches in length and four and one half inches in width, and as many times such width as shall be necessary to contain the names of all candidates nominated. Where the names of candidates are printed in separate columns, such columns shall be separated by heavy rules; and on all ballots the names of candidates shall each be separated by a rule extending on the extreme right of the column. All ballots shall be printed in plain Roman type, and shall contain the name of every candidate whose nomination for any office specified in the

ballot has been certified to and filed according to the provisions of this code, and no other name; and there shall be added to all the names of candidates for each office their party or political designation. The names of the candidates for each office shall be arranged, under the designation of the office, in alphabetical order, according to surname, except that the names of candidates for the office of elector for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and there shall be printed at the head of each group of electors so nominated the political or party designation or principle represented by the said electors, as "Republican Electors," or the like, in great primer title type, or its equivalent. There shall be left at the end of the list of candidates for each office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person, not printed upon the ballot, for whom he desires to vote as candidate for such office; and the names and blank spaces on the whole ticket shall be consecutively numbered, the figures being placed on the left-hand side of such names and blank spaces. There shall be a margin on the right-hand side of the names, at least one half of an inch wide, so that the voter may clearly indicate, in the way to be hereinafter pointed out, the candidate and candidates for whom he wishes to cast his ballot; the county, city, or town in which each candidate resides may be printed in small type on the right-hand side of his name. Whenever any question is to be submitted to the vote of the people, it shall also be printed upon the ballot in such a manner as to enable the electors to vote upon such question in the manner hereinafter provided. [*Amendment approved March 23, 1893, Stats. 1893, p. 305; in effect immediately.*]

Voting straight tickets. – This section as it originally was passed in 1891 (Stats. 1891, p. 170) provided for the voting of straight tickets. This clause in the statute was held unconstitutional 96 Cal. 571.

1198. *Bound books of tickets.* All ballots, when printed, shall be bound in stub-books of one hundred ballots each. A record of the number of ballots printed by them shall be kept by the respective county clerks,

and by the clerk or secretary of the legislative body of each incorporated city or town. [*Amendment approved March 20, 1891; Stats. 1891, p. 172; in effect July 1, 1891.*]

1199. *Number of tickets to be furnished.* The county clerk of each county shall provide, for each election precinct in the county, not less than one hundred general tickets for every fifty or fraction of fifty electors registered in the election precinct; and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected; and the clerk or secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. [*Amendment approved March 20, 1891, Stats. 1891, p. 172; in effect July 1, 1891.*]

1200. *Errors.* Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the name or description of the candidates nominated for office, or in the printing of the ballots, the superior court of the county, or the judge thereof, shall, upon application by any elector, by order, require the county clerk to correct such error, or to show cause why such error should not be corrected. [*Amendment approved March 20, 1891; Stats. 1891, p. 172; in effect July 1, 1891.*]

1201. *Tickets to be delivered.* Before the opening of the polls at any election within any county, the county clerk of the county shall cause to be delivered to the boards of election of each election precinct which is within the county, and in which the election is to be held, at the polling-place of the election precinct, the proper number of general tickets of the kind to be used in the election precinct, in sealed packages, with marks on the outside clearly designating the precinct or polling-place for which they are intended, and the number of ballots inclosed, and in case of a consolidated city and county, also a like number of municipal tickets; and the clerk or secretary of any incorporated city or town shall in like manner cause to be delivered the proper number of municipal tickets. The county clerk, clerk, or secretary shall prepare a receipt for each polling-place, enumerating the packages, and

stating the time and day and date when the same were delivered by him to the inspectors of election. The inspectors of election shall sign and receipt upon receipt of the packages, which shall forthwith be returned and filed. The county clerk, clerk, and secretary, respectively, shall have authority to employ such messengers as may be necessary to insure the safe and expeditious delivery of the ballots to the inspectors or judges of election, as provided in this code, and the board of supervisors, or other board or body having the control of elections, shall allow such messengers a reasonable compensation for their services, to be paid as other election expenses are paid. In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the inspector, or other election officer for that precinct, shall make an affidavit setting forth the fact, swear to the same before an officer authorized to administer oaths, and transmit it to the governor of the state. Upon receipt of such affidavit, the governor may order a new election in such precinct, and upon the application of any candidate for any office to be voted for by the electors of such precinct, the governor shall order a new election in such precinct. [*Amendment approved March 20, 1891; Stats. 1891, p. 174; in effect July 1, 1891.*]

Obscurity in name or office: 67 Cal. 469; 67 Cal. 497. The section of the code under which these decisions were rendered was superseded by the above amendment.

1202. *Ballot clerks to be appointed.* At the same time and in the same manner as inspectors and judges of election are now appointed in this state, two ballot clerks for each election precinct in the state shall be appointed, whose duty it shall be to have charge of the ballots on the day of election, and to furnish them to the voters in the manner hereinafter provided. Such ballot clerks shall be electors of the precinct from which they are appointed, and shall be paid the same compensation as inspectors of election. In making appointments of such ballot clerks, one of them shall be taken from the political party that polled the largest number of votes at the last preceding general election, and the other from the party that polled the next largest number of votes at such general election.

They shall act as additional clerks of election when the polls are closed, and they shall serve until the votes are counted and the returns are signed; *provided*, that whenever a general and a municipal election shall be held at the same time, there shall be appointed one additional inspector, one additional judge, and two additional clerks in the manner now provided by law. [*Amendment approved March 23, 1893; Stats. 1893, p. 303; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 173.

1203. *Polling-places and ballot-boxes.* All officers upon whom is imposed by the law of state the duty of designating polling-places shall cause such polling-places to be suitably provided with a ballot-box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot-box, to be marked on the outside "Municipal Tickets," and shall also provide a sufficient number of places, booths, or compartments at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the box-booths or compartments shall be hidden from the view of those just outside the said guard-rail. The number of such voting-booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the board of election, and then only for the purpose of keeping order and enforcing the law. Each of said voting-booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots. [*Amendment approved March 23, 1893; Stats. 1893, p. 306; in effect immediately.*]

This section was also amended in 1891t Stats. 1891, p. 173.

1204. *How ballot is obtained.* Any person desiring to vote shall give his name and address to one of the ballot

clerks, who shall then, in an audible tone of voice, announce the same, and if the other ballot clerk finds the name on the register, he shall, in like manner, repeat the name and address, whereupon a challenge may be interposed as provided in section one thousand two hundred and twenty of this code. If the challenge be overruled, the ballot clerk shall give him a ticket, and the clerk shall write on the register, opposite the name of the voter, the number of the general ticket given him, and also the number of the municipal ticket given him, when any city, city and county, or town officer is to be elected; and the voter shall be allowed to enter the place inclosed by the guard-rail, as above provided. The ballot clerk shall give him but one general ticket, and where any city, city and county, or town officers are to be elected, also one municipal ticket, and only one ballot of each kind. [*Amendment approved March 20, 1891; Stats. 1891, p. 174; in effect July 1, 1891.*]

Erasure and substitution of name: 91 Cal. 526. This decision was under the section superseded by the above amendment.

1205 *How to vote, and voting.* On receipt of his ballots, the elector shall forthwith, and without leaving the guard-rail space, retire alone to one of the places, booths, or compartments provided, to prepare his ballot. He shall prepare his ballot by marking a cross after the name of the person or persons for whom he intends to vote, thus (X), and in case a constitutional amendment or other question submitted to the vote of the people, by marking in the appropriate margin a cross (X) against the answer which he desires to give. Such marking shall be done only with a stamp, which, with necessary pads and ink, shall be provided by the officers who are by this code required to furnish election supplies, for each booth or compartment provided, for the marking and preparation of ballots. Before leaving such booth or compartment, the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the

inspector, who shall announce in an audible tone of voice the name of the voter and the number of his ballot. The ballot clerk having the register in charge, if he finds the number to correspond with the number marked opposite the voter's name on the register, shall, in like manner, repeat the name and number, and shall mark opposite the name the word "voted." The inspector shall then separate the slip containing the number from the ballot, and shall deposit the ballot in the box. The numbers of all ballots voted shall be immediately destroyed. [*Amendment approved March 23, 1893; Stats. 1893, p. 306; in effect immediately.*]

Voting straight ticket. —This section as it was originally passed in 1891 (Stats. 1891, p. 170), provided for the voting of straight tickets. This clause in the statute was held unconstitutional: 96 Cal. 371.

1206. *Occupancy of booths.* Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth longer than necessary to prepare his ballot, and in no event longer than ten minutes. [*Amendment approved March 20, 1891; Stats. 1891, p. 175; in effect July 1, 1891.*]

1207. *Spoiled ballots— Unused ballots.* Any voter who shall spoil a ballot shall return such spoiled ballot to the ballot clerk and receive another one in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in sections one thousand two hundred and sixty-three and one thousand two hundred and sixty-four of this code. Every elector who does not vote the ballot delivered to him shall, before leaving the polling-place, return such ballot to the ballot clerks having charge of the ballots, who shall immediately cancel the same and return them in the same manner as spoiled ballots. The ballot clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned

ballots to compel such an accounting. [*Amendment approved March 20, 1891; Stats. 1891, p. 176; in effect July 1, 1891.*]

1208. *Illiterate voter, officers to assist.* Any elector who declares, under oath, to the presiding election officer that he cannot read, or that, by reason of physical disability, he is unable to mark his ballot, shall, upon request, receive the assistance of two of the officers of election, of different political parties, in the marking thereof, to be chosen as follows: one by the inspector then receiving the ballots, and the other by the judge of the opposite political party which at the last election cast the highest number of votes throughout the state, and in the event there are more judges than one of said party, then by the one of said judges who shall be named by said inspector. Neither of the persons appointed shall be of the same political party with the person appointing, nor shall either of said persons so making said appointments appoint the other for said purposes. Such officers shall thereafter give no information regarding the marking of said ballot. The oath of the elector shall be in the form of an affidavit, and shall be as follows: —

State of California, county of ——, assembly district number ——, ss.

——, first duly sworn, deposes and says that he cannot read, or by reason of physical disability, to wit, ——, he is unable to mark his ballot.

Subscribed and sworn to before me this —— day of ——, A. D. 18—.

Upon said affidavit shall be indorsed the appointment of the persons (with their names) to assist the elector in the marking of his ballot, as aforesaid, which indorsement shall be signed by the officers of election making the appointments. Said persons so appointed shall thereupon, and before assisting said elector, take and subscribe the following oath: —

State of California, county of ——, assembly district number ——, —— precinct, ss.

—— and ——, being duly sworn, each for himself says that he is one of the officers of election appointed to assist

—— (here insert name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same. —— ——

—— ——

Subscribed and sworn to before me this —— day of ——, A. D. ——. —— ——

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsements thereon, shall be returned to the county clerk, as provided in section one thousand two hundred and sixty-one of this code.

Lists of the voters who have been assisted in marking their ballots shall be kept by the clerks keeping the poll lists, and shall be returned and preserved as the poll lists are returned and preserved. [*Amendment approved March 23, 1893; Stats. 1893, p. 308; in effect immediately.*]

The section above amended was adopted in 1891 (Stats. 1891, p. 175), and read as follows: —

Any elector who declares, under oath, to the presiding election officer that he cannot read, and that by reason thereof, or that by reason of physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of any one of the officers of election that he may choose in the marking thereof, and such officer shall thereafter give no information regarding the same.

1209. *Removing number of ballot.* No member of the board of election shall deposit in the ballot-box any ballot from which the slip containing the number of the ballot has not been removed by the inspector. [*Amendment approved March 20, 1891; Stats. 1891, p. 175, in effect July 1, 1891.*]

1210. *Sample ballots — Cards of instruction.* The county clerk of each county, or in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed on plain white paper, without water-mark or indorsements (except the words "Sample Ballot"), at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "Sample Ballots," and shall be furnished to registered voters at the office of

such clerk or secretary five days before the day fixed by law for such election, and at any time during such five days; *provided*, that not more than one sample ballot shall be furnished to any one voter. Such clerk or secretary shall cause to be printed, in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots. He shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling-places, on the day of election. Sections twelve hundred and fourteen and twelve hundred and fifteen of this code, and section sixty-one of the Penal Code shall also be printed on each of said cards. [*Amendment approved March 20, 1891; Stats. 1891, p. 175; in effect July 1, 1891.*]

1211. *Void ballots.* In canvassing the votes, any ballot which is not made as provided in this act shall be void, and shall not be counted; but each such ballot must be preserved and returned with the other ballots. Any name written upon a ballot shall be counted for the office under which it is written, whether or not a cross is marked after it. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. [*Amendment approved March 20, 1891; Stats. 1891, p. 176; in effect July 1, 1891.*]

1212. *Two hours allowed to employees.* Any person entitled to vote at a general election held within this state shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any

deduction be made on account of such absence from his usual salary or wages. [*Amendment approved March 20, 1891; Stats. 1891, p. 176; in effect July 1, 1891.*]

1213. *False nominations.* No person shall falsely make or fraudulently deface or destroy any certificate of nomination, or any part thereof, or file any certificate of nomination, knowing the same, or any part thereof, to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or to make, use, keep, or furnish to others, except as in this code so directed, any paper water-mark in imitation of ballot paper, or disclose the same to any person not engaged in making, printing, or distributing of ballot paper or ballots. [*New section added March 20, 1891; Stats. 1891, p. 178; in effect July 1, 1891.*]

1214. *No supplies to be destroyed.* No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting-booths or compartments, as provided in this code, for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters. [*New section added March 30, 1891; Stats. 1891, p. 178; in effect July 1, 1891.*]

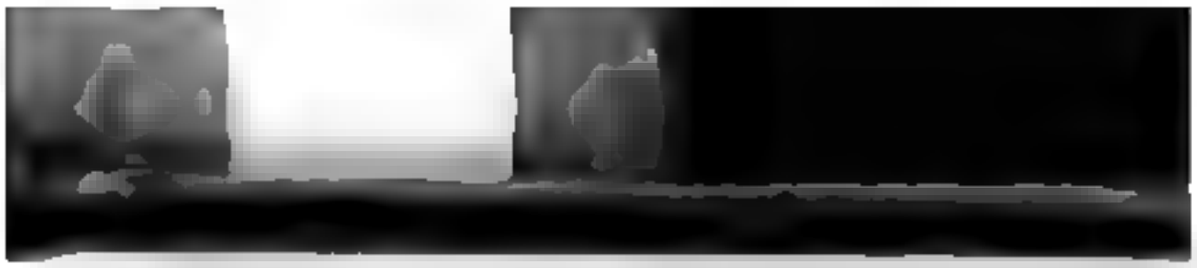
1215. *Secrecy of the ballot provided for.* No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling-place. No person shall remove any ballot from any polling-place before the closing of the poll. No person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name or names of the candidate or candidates for whom he has marked his ballot; nor shall any person, except a member of the board of election, receive from any voter a ballot prepared by such voter, or examine such ballot, or solicit the voter to show the same. No person shall ask another at a polling-place for whom he intends to vote. No voter shall receive a

ballot from any other person than one of the ballot clerks; nor shall any other person than a ballot clerk deliver a ballot to such voter. No voter shall deliver to the board of election, or to any member thereof, any ballot other than the one he has received from the ballot clerk. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling-place. [*New section added March 20, 1891; Stats. 1891, p. 178; in effect July 1, 1891.*]

1216. *Registrar.* In all counties and cities and counties in this state having a registrar of voters and a board of election commissioners, the powers conferred and the duties imposed by this code upon the county clerks and other officers, in relation to matters of election and polling-places, shall be exercised and performed by such registrar of voters and board of election commissioners, and all certificates of nomination required by this code to be made to county clerks shall be made to the registrar of voters. [*New section added March 20, 1891; Stats. 1891, p. 178, in effect July 1, 1891.*]

1234. Indictment for refusal to swear. 75 Cal. 672.

1257. *Counting of ballots.* After the lists are thus signed, the board must proceed to open the ballots, and count and ascertain the number of votes cast for each person voted for. At all elections where a general ticket and a municipal ticket are used, the canvass of the general ticket shall be completed before the canvass of the municipal ticket is commenced. All the ballots must be taken out of the ballot-box, one at a time, and opened by one of the members of the board, and so taken out by one of the board, and the name of each person marked in the ballots as voted for shall be distinctly read in connection with the office for which he is a candidate. After the ballots have been so counted, and an official record, as hereinbefore mentioned, made, immediately thereafter all the ballots, when read, must be, by one of the judges, strung upon a string. All ballots rejected for illegality must be indorsed upon the ballot the cause of such rejec-



tion, and signed by a majority of the election board, and thereafter strung upon a string. [*Amendment approved March 23, 1893; Stats. 1893, p. 308; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 176.

1958. *Tallies.* Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies as they are read aloud. [*Amendment approved March 20, 1891; Stats. 1891, p. 176; in effect July 1, 1891.*]

1959. *Ballots to be sealed.* The ballot, as soon as the names marked on it as voted for are read, must be strung on a string by one of the judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the board writing his name across the seal. [*Amendment approved March 20, 1891; Stats. 1891, p. 176; in effect July 1, 1891.*]

1964. *Delivery of package, to whom.* The member to whom such packages are delivered must, without delay, deliver such packages, without their having been opened, to the county clerk, nearest postmaster, or sworn express agent, who shall indorse on such package the name of the party delivering them, and date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the city and county of San Francisco such packages must be delivered to the county clerk within three hours from the time of adjournment of the board, which time of adjournment must be indorsed upon such package and upon each poll list, in ink, and signed by a majority of the members of such board. In the city and county of San Francisco the packages must be put up and sealed in the following manner, by an inspector and at least three others of the board, and be signed with their respective signatures, across the same, written: One package to contain the ballots only; one package to contain one tally list and list attached, only; one package to contain the ward register and certificates

of registration issued by the county clerk after making up the ward register, and received at the polls. [*Amendment approved March 23, 1893, Stats. 1893, p. 308; in effect immediately.*]

1265 *Duty of clerk on receipt of packages.* On receipt of the packages, the clerk must file the one containing the writs, and must keep it unopened and unaltered for twenty months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such elections, he must burn the package without opening or examining its contents; *provided, however*, that after the time limited for a contest, and in the event any contests have been commenced, then, after said ballots have been opened and counted by the superior court in said contests, a judge of the superior court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his court, where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the county clerk. Whenever said packages, or any of them, shall have been opened and examined, and a record made of the testimony therein contained, the same shall be restored to the full legal control and custody of the county clerk, who shall reseal the packages with the ballots contained therein and keep the same until he shall burn them, in accordance with the directions of this section. [*Amendment approved March 23, 1893; Stats. 1893, p. 308; in effect immediately.*]

Custody of ballots by contestant. 67 Cal. 307.

Production of ballots. 31 Pac. Rep. 840.

1266 Production of ballots 31 Pac. Rep. 840.

1283 Returns of election boards as evidence. 65 Cal.

Ballots as evidence *67 Cal. 302.*

1415 ***Money of State University*** *in state* **treasury:** 66 *Cal. 307.*

An act to provide for the payment of interest on the outstanding bonds of the state of California held in trust for the university fund and the state school fund; to repeal an act of the legislature of the state of California, approved March 4, 1881, entitled "An act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other state purposes," and making an appropriation to pay the interest on said outstanding bonds from January 1 to July 1, 1893.

[Approved March 3, 1893; Stats. 1893, p. 75.]

WHEREAS, There was, on the first day of January, eighteen hundred and ninety-three, outstanding and unpaid two million five hundred and twenty-eight thousand five hundred dollars of funded debt bonds of eighteen hundred and seventy-three, issued by the state of California, bearing interest at the rate of six per cent per annum; and whereas, the people of the state of California, at the election held on the eighth day of November, eighteen hundred and ninety-two, refused to refund said bonds; and whereas, the whole of said bonds, excepting the sum of two hundred and fifty-one thousand dollars, are held by the state of California in trust as follows: For the support of the state school fund, one million five hundred and twenty-six thousand five hundred dollars, and for the university fund, in support of the State University, seven hundred and fifty-one thousand dollars; and whereas, the period for which said bonds were to run having expired, and the coupons originally attached thereto having been paid; and whereas, at the present session of the legislature a law has been passed providing for the payment and cancellation of the bonds held by private individuals, in the sum of two hundred and fifty-one thousand dollars, together with interest thereon; and whereas, it has become necessary for the state to pay interest on the bonds so held in trust, or to pay said bonds in full, and there being no money in the state treasury to pay the same, or any part thereof; therefore,

The people of the state of California, represented in senate and assembly, do enact as follows: —

SECTION 1. The state of California hereby agrees to pay, and will pay, interest on said outstanding bonds so held in trust for the benefit of the state school fund and the university fund at the rate of six per cent per annum, payable semi-annually, from January first, eighteen hundred and ninety-three, on the second of January and July of each year, and the faith of the state of California is hereby pledged for the payment of the interest as herein provided.

SEC. 2. The state treasurer shall hereafter pay, semi-annually, on the second of January and July of each year, to the University of California, the sum of twenty-four thousand nine hundred and twenty-two dollars and fifty cents, the same being the interest, at the rate of six per cent per annum, on the outstanding bonds held by said university against the state,

of the face value of seven hundred and fifty-one thousand dollars and belonging to the endowment fund provided by Congress [illegible] added the sum of seventy-nine thousand [illegible] hundred and fifty dollars, also belonging to said endowment [illegible] said university, the interest on which has heretofore been provided for by the act of March fourth, eighteen hundred and eighty-one.

[illegible] The state treasurer shall also, as in the preceding [illegible] over, semi-annually, as now required by law, for [illegible] of the common schools of the state, the sum of [illegible] hundred and ninety-[illegible] dollars, the [illegible] the semi-annual interest, computed at the rate of [illegible] per annum, due from the state on the bonds belonging to the common school fund, now held by the state [illegible] of the face value of one million five hundred and [illegible] thousand five hundred dollars.

[illegible] For the payment of the interest on said outstanding [illegible] trust as herein provided, there shall be levied [illegible] by the state board of equalization, such rate of tax [illegible] hundred dollars of the assessed value of real and [illegible] property in the state, to be computed by the controller [illegible] the basis of the assessed value of such property for [illegible] year, as shall produce annually the interest on [illegible] provided to be paid in sections one, two, and three [illegible] The state board of equalization shall certify the [illegible] computed to the several county auditors, and [illegible] are hereby directed and required to enter [illegible] the assessment rolls of their respective counties, [illegible] manner and with the same effect as is provided by [illegible] relation to other state taxes. Every tax levied under [illegible] or authority of this act is hereby made a lien [illegible] property assessed, which lien shall attach on the [illegible] to March of each year, and shall not be satisfied [illegible] such tax has been paid, or the property sold [illegible] thereof. All moneys derived from taxes [illegible] the provisions of this section shall be paid into the [illegible] treasury to the credit of the interest and sinking fund, [illegible] be applied to the payment of the interest as herein [illegible] *provided*, that all the moneys remaining in the [illegible] treasury to the credit of said interest and sinking fund [illegible] day of January of each year, after the interest on [illegible] held in trust has been paid, shall be transferred [illegible] treasurer of state, on the order of the controller of state, [illegible] fund.

[illegible] shall be the duty of the state treasurer to pay the [illegible] bonds so held in trust when the same falls due, [illegible] interest and sinking fund: *provided*, that the controller of state shall first draw his warrant on the treasury, payable to the order of said state treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

SEC. 6. *The act of the legislature of the state of California, approved March fourth, one thousand eight hundred and*

eighty-one, entitled "An act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other state purposes," is hereby repealed.

SEC. 7. There is hereby appropriated out of any moneys in the general fund of the state treasury not otherwise appropriated the sum of sixty-eight thousand three hundred and twenty-five dollars, to pay the interest on said outstanding bonds so held in trust, from January first to July first, one thousand eight hundred and ninety-three. It shall be the duty of the state treasurer to pay the interest on said bonds when the same falls due, out of the moneys hereby appropriated; *provided*, that the controller of state shall first draw his warrant on the state treasury, payable to the order of said state treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

SEC. 8. This act shall take effect from and after its passage.

1487. *An act to provide for the erection of additional buildings for the use of the state normal school at San José, California, and making an appropriation therefor.*

[Approved April 6, 1891; Stats. 1891, p. 497.]

SECTION 1. The sum of thirty-seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the erection of additional buildings, for furnishing the same, for the use and occupation of the pupils attending the state normal school at San José, of which sum not more than five thousand dollars shall be used for furnishing said buildings.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of trustees of said state normal school for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for materials for such additional buildings, and for furnishing the same, shall be first audited by the board of trustees of said normal school, and approved by the state board of examiners, before being paid.

SEC. 4. This act shall take effect immediately.

An act appropriating the sum of three thousand five hundred dollars for completing and furnishing the training department building of the state normal school at San José, California.

[Approved February 27, 1893; Stats. 1893, p. 48.]

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the board of trustees of the state normal school at San José, California, in completing and furnishing the training department building of said normal school, for the use and convenience of the students occupying the same.

SEC. 2. The state controller is hereby authorized to draw his warrants for the money in this act appropriated, in favor of the board of trustees of said normal school, and the state treasurer to pay the said warrants.

SEC. 3. This act shall take effect immediately on its passage.

An act to provide for the construction and furnishing of an additional school building for the use of the state normal school at Los Angeles, California, and to appropriate money therefor.

[Approved March 9, 1893; Stats. 1893, p 120.]

SECTION 1. The board of trustees of the state normal school at Los Angeles are hereby authorized to construct and furnish a school building on the state normal school grounds at Los Angeles, to be used in connection with the building there already built and furnished, for the use of the said state normal school.

SEC. 2. The sum of seventy-five thousand dollars is hereby appropriated out of any money in the general fund of the state not otherwise appropriated for the construction of such school building and furnishing the same

SEC. 3. The controller of state shall draw warrants, from time to time, as the work shall progress, in favor of said board of trustees.

SEC. 4. The said building shall be erected and said furnishing shall be done under the direction of said board of trustees.

SEC. 5. This act shall take effect and be in force from and after its passage

1502. *Principal of school permitted to visit county institute.* The board of trustees of any normal school, or its executive committee, may grant permission to the principal or any teacher of such school to attend any county institute, and give instruction on subjects relating to education in the public schools. [*Amendment approved March 23, 1893; Stats. 1893, p. 302; in effect immediately.*]

1503. *Diploma of state normal school. First.* The board of trustees of each state normal school, upon the recommendation of the faculty, may issue to those pupils who worthily complete the full course of study and training prescribed a diploma of graduation.

Second. Said diploma shall entitle the holder thereof to a grammar grade certificate from any city, city and county, or county board of education in the state.

Third. Whenever any city, city and county, or county board of education shall present to the state board of education a recommendation showing that the holder of a normal school diploma has had a successful experience of

two years in the public schools of this state subsequent to the granting of such diploma, the state board of education shall grant to the holder thereof a document, signed by the president and secretary of the state board, showing such fact. The said diploma, accompanied by said document of the state board attached thereto, shall become a permanent certificate of qualification to teach in any primary or grammar school in the state, valid until such time as the said diploma may be revoked as provided in subdivision thirteen of section fourteen hundred and eighty-nine of this code.

Fourth. Upon presentation of the diploma and document referred to in subdivision third of this section to any city, city and county, or county superintendent of schools, said superintendent shall record the name of the holder thereof in a book provided for that purpose in his office, and the holder thereof shall thenceforth be absolved from the requirement of subdivision first of section sixteen hundred and ninety-six of this code.

Fifth. Said diploma of graduation from any normal school in this state when accompanied by a certificate granted by the faculty of the State University showing that the holder thereof, subsequent to receiving said diploma, has successfully completed the prescribed course of instruction in the pedagogical department of the State University, shall entitle the holder to a high school certificate authorizing the holder to teach in any primary or grammar school, and in any high school in this state, except those in which the holder would be required to teach languages other than the English. [*Amendment approved March 23, 1893; Stats. 1893, p. 267; in effect immediately.*]

1520. *Meetings.* The board shall meet at the call of the secretary, and not less than twice in each year. [*Amendment approved March 23, 1893; Stats. 1893, p. 237; in effect immediately.*

1521. *Powers and duties of board.* The powers and duties of the board are as follows:—

First. To adopt rules and regulations, not inconsistent with the laws of this state, for its own government, and

for the government of the public schools and district school libraries.

Second. To grant educational diplomas of two grades, valid throughout the state for the period of six years, as follows: —

1. High School; authorizing the holder to teach in any primary or grammar school, and in any high school in which said holder is not required to teach languages other than the English.

2. Grammar school; authorizing the holder to teach in any primary or grammar school.

Third. To grant life diplomas of two grades, valid throughout the state, as follows: —

1. High school, authorizing the holder to teach in any primary or grammar school, and in any high school in which said holder is not required to teach languages other than the English.

2. Grammar School; authorizing the holder to teach in any primary or grammar school.

Fourth. Except as provided in section one thousand five hundred and three of this code, diplomas may be issued only to such persons as have held for one year, and who now hold, a valid city, city and county, or county certificate corresponding in grade to the grade of the diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least five years when applying for an educational diploma, and of at least ten years when applying for a life diploma. Every application must be accompanied by a certified copy of a resolution adopted by at least a four-fifths vote of all the members composing a city or county board of education, recommending that the diploma be granted, and also by an affidavit of the applicant specifying setting forth the places in which and the dates between which said applicant has taught, and that said applicant has taught a part of each year for five or ten calendar years, respectively. The five or ten years need not be consecutive years, but the aggregate experience must be at least thirty-five months for an educational and seventy months *for a life diploma; and in either case the applicant must have had twenty-one months'* experi-

ence in the public schools of California. The application must also be accompanied by a fee of two dollars, for the purpose of defraying the expense of issuing the diploma.

Fifth. To revoke or suspend, for immoral or unprofessional conduct, or for evident unfitness for teaching, life diplomas or educational diplomas heretofore issued, or that may hereafter be issued; and to adopt such rules for the revocation of diplomas as they may deem expedient or necessary.

Sixth. To have done by the state printer, or other officer having the management of the state printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the state board of examiners.

Seventh. To adopt and use, in authentication of its acts, an official seal.

Eighth. To keep a record of its proceedings.

Ninth. To designate some educational monthly journal as the official organ of the department of public instruction. One copy of the journal so designated shall be furnished by the county superintendent to the clerk of each board of district trustees, to be placed by him in the district library. The county superintendent of schools shall draw his warrant semi-annually in favor of the publishers of such school journal, for a sum not exceeding one dollar and fifty cents per district, for each school year, and charge the same to the library fund of the district; *provided*, that the publishers of such journal shall be required to file an affidavit with the superintendent of public instruction, on or before the tenth day of each month, stating that they had mailed one copy of said journal to the clerk of each school district in the state. It is hereby made the duty of the clerk of each board of district trustees and the secretary of each board of education to place each number of such journal in the school library of his district, on or before the end of the month in which such number was issued. [*Amendment approved March 23, 1893; Stats. 1893, p. 237; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 150.

An act to amend section five of an act entitled "An act to provide for compiling, illustrating, electrotyping, printing, binding, [illegible], and distributing a state series of school text books, and appropriating money therefor," approved February 20, 1885.

[Approved March 31, 1891; Stats. 1891, p. 453.]

SECTION 1. Section five of an act entitled "An act to provide for [illegible], illustrating, electrotyping, printing, binding, [illegible], and distributing a state series of school text-books, and appropriating money therefor," approved February [illegible], eighteen hundred and eighty-five, is hereby [illegible] so as to read as follows:

SECTION 5. Whenever any one or more of the state series of [illegible] text books shall have been compiled and adopted, the [illegible] board of education shall issue an order requiring the [illegible] use of said book or books in the common schools of [illegible] said order for the uniform use of said book or [illegible] not take effect till the expiration of at least one [illegible] the time of the completion of the electrotype plates [illegible] book or books, and thereafter such book or books shall [illegible] the common schools of this state, and no school [illegible] school authority in this state shall have the [illegible] to authorize the use of, nor shall any common school in [illegible] use, any books as text-books for pupils other than [illegible] to be used by the order aforesaid of such state [illegible] books on such subjects as are not provided for [illegible] published by the state. Nothing in this act [illegible] to prevent any county or school district [illegible] adopting any one or more of the state series of school [illegible] whenever said book or books shall have been published. The superintendent of public instruction must withhold [illegible] any city, city and county, county, or from any [illegible] in this state using school books in violation of [illegible] and section all state school moneys [illegible] may be entitled, until it comply with the requirements of this section, and any moneys so withheld must be [illegible] by the superintendent at the next annual apportion[illegible], the same manner as other school moneys in the treasury.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

An act to provide for the revision of certain books of the state series of school text books, for the compilation of an additional book of [illegible], and for the continued publication of the same, and [illegible] and direct the use, for those purposes, of the money accumulated in the state school book fund.

[Approved March 9, 1893; Stats. 1893, p. 85.]

SECTION 1. The state board of education is hereby authorized and directed to revise the following books of the state series of school text books, viz., the first, second, and third readers, the English grammar, the United States History, and the Advanced Arithmetic, and to compile a Primary History of the United States, and in such revision and compilation

Seventh. To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Eighth. To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein.

Ninth. To visit the schools in different counties, and inquire into their condition; and the actual traveling expenses thus incurred (*provided*, that they do not exceed fifteen hundred dollars per annum) shall be allowed, audited, and paid out of the general fund in the same manner as other claims are audited and paid.

Tenth. To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Eleventh. To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him.

Twelfth. To report to the controller, on or before the tenth day of July of each year, the total number of children in the state between the ages of five and seventeen years, as shown by the latest reports of the county superintendents on file in his office.

Thirteenth. To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office. [*Amendment approved March 23, 1893; Stats. 1893, p. 239; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 152.

1533. *Power to call convention of superintendents.* He shall have power to call, biennially, a convention of the county and city superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all county and city superintendents to attend and take part in the pro-

ceedings of such convention when it is called. The actual expenses of the county superintendents attending the convention shall be allowed by the board of supervisors, and paid out of the same fund as the salary of the county superintendents is paid; the actual expenses of the city superintendents attending the convention shall be allowed and paid out of the same fund as the salary of such city superintendents is paid. [*Amendment approved March 23, 1893; Stats. 1893, p. 240; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 153. As then amended, it read as follows: —

The superintendent of public instruction must report to the controller, on or before the tenth day of August of each year, the total number of children in the state between the ages of five and seventeen years, as shown by the latest reports of the county superintendents on file in this office.

1543. *Duty of county superintendent.* It is the duty of the county superintendent of each county, —

First. To superintend the schools of his county.

Second. 1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district by reason of a large census roll and a small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five, or a number of pupils less than five, during the whole school year, the superintendent shall at once suspend the district, and report the fact to the board of supervisors at their next meeting. The board of supervisors, upon receiving such report from the superintendent, shall declare the district lapsed, and shall

of such sale to the credit of the district. T
superintendent shall determine all outstandi
ness of said lapsed district, and shall draw h
upon the county auditor in payment thereo
ance of moneys remaining to the credit of
district shall be transferred by the superi
the unapportioned school funds of the coun
be apportioned as other school funds are
Should there not be sufficient funds to the
lapsed district to liquidate all of the outstandi
ness thereof, the superintendent shall draw h
upon the county auditor pro rata for the seve

Third. 1. On the order of the board of sch
to draw his requisition upon the county au
necessary expenses against the school fund of
or of any city or town which has not a board
The requisitions must be drawn in the order i
orders therefor are filed in his office. Eacl
must specify the purpose for which it is dra
requisition shall be drawn unless the money is
to pay it; and no requisition shall be draw
order of the board of school trustees against
any district, except for teachers' salaries,
order is accompanied by an itemized bill show
arate items, and the price of each, in paymen
the order is drawn; nor shall any requisition
salaries be drawn unless the order shall state
salary of the teacher, and name the month

shall draw his requisition upon the county auditor in favor of the city treasurer of said city for all state and county moneys, and for all other moneys apportioned by the said superintendent to said city. Upon the presentation of said requisition, the county auditor shall draw his warrant upon the county treasurer in favor of the treasurer of said city for the amount stated in said requisition. It shall be the duty of the county treasurer to pay the amount stated in the warrant of the county auditor to the treasurer of said city; and it shall be the duty of the treasurer of said city to receive and safely keep all moneys so received, and to pay the same out upon the order of the board of education of said city, which order must be issued by said board of education as provided in division one of this subdivision of section one thousand five hundred and forty-three of the Political Code.

Fourth. To keep, open to the inspection of the public, a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Fifth. To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Sixth. To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Seventh. He shall have power to issue, if he deem it proper to do so, temporary certificates valid until the next semi-annual meeting of the county board of education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which county boards are

attach the territory thereof to one or more of the adjoining school districts in such manner as may by them be deemed most convenient for the residents of said lapsed district.

3. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district shall be transferred by the superintendent to the unapportioned school funds of the county, and shall be apportioned as other school funds are apportioned. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requistion upon the county auditor pro rata for the several claims.

Third. 1. On the order of the board of school trustees, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district, or of any city or town which has not a board of education. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn; but no requisition shall be drawn unless the money is in the fund to pay it; and no requisition shall be drawn upon the order of the board of school trustees against the funds of any district, except for teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' salaries be drawn unless the order shall state the monthly salary of the teacher, and name the months for which such salary is due. Upon the receipt of such requisition, the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition.

2. On the order of the board of education of any city having a board of education, the county superintendent

shall draw his requisition upon the county auditor in favor of the city treasurer of said city for all state and county moneys, and for all other moneys apportioned by the said superintendent to said city. Upon the presentation of said requisition, the county auditor shall draw his warrant upon the county treasurer in favor of the treasurer of said city for the amount stated in said requisition. It shall be the duty of the county treasurer to pay the amount stated in the warrant of the county auditor to the treasurer of said city; and it shall be the duty of the treasurer of said city to receive and safely keep all moneys so received, and to pay the same out upon the order of the board of education of said city, which order must be issued by said board of education as provided in division one of this subdivision of section one thousand five hundred and forty-three of the Political Code.

Fourth. To keep, open to the inspection of the public, a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Fifth. To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Sixth. To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Seventh. He shall have power to issue, if he deem it proper to do so, temporary certificates valid until the next semi-annual meeting of the county board of education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which county boards are

Ninth. To keep in his office the reports of th
tendent of public instruction.

Tenth. To keep a record of his official acts,
the proceedings of the county board of educatio
ing a record of the standing, in each study, of
cants examined, which shall be open to the ins
any applicant, or his authorized agent.

Eleventh. Except in incorporated cities havi
of education, to pass upon and approve or reject
for school-houses. To enable him to do so, all
trustees, before adopting any plans for school b
must submit the same to the county superinten
his approval.

Twelfth. To appoint trustees to fill all vaca
hold until the first day of July succeeding such
ment; when new districts are organized, to appoi
tees for the same, who shall hold office until the f
of July next succeeding their appointment. In
the failure of the trustees to employ a janitor, as p
in section sixteen hundred and seventeen, sub
seventh, of this code, he shall appoint a janitor, w
be paid out of the school fund of the district. Sh
board of school trustees of any district fail or r
issue an order for the compensation for such serv
superintendent is hereby authorized to issue, witho
order, his requisition upon the county school fund
tioned to such district.

for this purpose. And no teacher holding a
below the grade of said school shall be employed
the same. [*Amendment approved March 23, 1893;*
p. 24; in effect immediately.]

section was also amended at the session of 1891: Stats.

of school superintendent, who fixes. 97 Cal. 429;

Binding documents. He may draw his requisi-
the county auditor, who shall draw his warrant
apportioned county school fund, in his own favor,
binding of school documents, not to exceed twenty
a year; for postage and expressage for his office,
exceed two dollars for each district of his county,
such other incidental expenses as may be author-
law; *provided*, that not more than one half of
allowance shall be used during the first six months
school year, except by unanimous consent of the
supervisors; *and provided further*, that in incor-
cities, each school containing three hundred pupils
considered equal to one school district [*Amend-*
proved March 20, 1891, Stats. 1891, p. 155.]

Warrants forged by deputy, liability on: 93 Cal.

to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting, or incorrectly described, he shall report such fact to the board of supervisors, and the board of supervisors shall immediately take such steps as are necessary to change, harmonize, and clearly define them. The county superintendent, if he deem it necessary for the guidance of school census marshals, may order the description of the district boundaries printed in pamphlet form, and pay for the same out of the county school fund. [*Amendment approved March 23, 1893; Stats. 1893, p. 243; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 156.

1552. *Traveling expenses.* Each county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors, and to be paid out of the county general fund; *provided*, that this amount shall not exceed ten dollars per district per annum. [*Amendment approved March 20, 1891; Stats. 1891, p. 156.*]

Traveling expenses, effect of County Government Act on: 87 Cal. 394.

1553. *Not to follow teaching in certain cases.* No school superintendent who receives an annual salary of fifteen hundred dollars or more must follow the profession of teaching, or any other vocation that can conflict with his duties as superintendent; but those receiving less than fifteen hundred dollars per annum may teach in the public schools of this state. [*Amendment approved March 23, 1893; Stats. 1893, p. 243; in effect immediately.*]

1560. *Teachers' institute.* The superintendent of every county in which there are twenty or more school districts, and of every city and county in the state, must hold at least one teachers' institute in each year; and every teacher employed in a public school in the county must attend such institute, and participate in its proceedings; *provided*, that cities employing seventy or more teachers may have a separate institute, to meet at least once a year, the sessions to be of not less than three nor more than

five days; *and provided further*, that teachers attending such city institute shall not be required to attend the county institute. The expenses of such city institutes, not exceeding two hundred dollars annually, shall be paid from the special school funds of said city. [*Amendment approved March 23, 1893; Stats. 1893, p. 244; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 156.

1561. *Institute.* In any county in which there are less than twenty school districts, the county superintendent may, in his discretion, hold an institute; when directed by the county board of education, he shall hold an institute not oftener than once each year, at such time and place as the board may direct. [*Amendment approved March 23, 1893; Stats. 1893, p. 244; in effect immediately.*]

1564. *Expense of institute.* The county superintendent must keep an accurate account of the actual expenses of said institute, with vouchers for the same, and draw his requisition upon the county auditor, who shall draw his warrant on the unapportioned county school fund to pay said amount; *provided*, that such amount must not exceed two hundred dollars for any one year. [*Amendment approved March 23, 1893; Stats. 1893, p. 244; in effect immediately.*]

1565. *Fee for certificate to be paid into teachers' institute fund.* Except for a temporary certificate, and except as provided in subdivision second of section one thousand five hundred and three of the Political Code, every applicant for a teacher's certificate, or for the renewal of a certificate, upon presenting his application, shall pay to the county superintendent a fee of two dollars, to be by him immediately deposited with the county treasurer, to the credit of a fund to be known as the teachers' institute and library fund. All funds so credited shall be drawn out only upon the requisition of the county superintendent of schools upon the county auditor, who shall draw his warrant in payment of the services of instructors in the county teachers' institute; *provided*, they be not teachers in the public schools of the county in which such institute

... thereto. [*Amendment ap... 1883; Stats. 1883, p. 244; in effect immedia...*

This section was also amended at the session ... 1891, p. 156.

1575. School district is a public corp... Cal. 111.

1576. *School districts.* Every city or in... town, unless subdivided by the legislative ... thereof, shall constitute a separate school dist... shall be governed by the board of education o... school trustees of such city or incorporated t... *vided*, that whenever a city or town shall be inc... the board of supervisors of the county may annex... for school purposes only, the remainder, or any... the remainder, of the district or districts from wh... city or incorporated town was organized, whenev... jority of the heads of families residing therein, ... by the last preceding school census, shall petition ... annexation; *and provided further*, that the board ... visors may include more territory than the rem... the district or districts from which the city or ... rated town was organized, whenever a petition ... purpose is presented to them, signed by a majorit... heads of families, as shown by the last precedin... census, residing in such additional territory. W... remainder or part thereof, or said additional outsi... tory, has been annexed to said city or inc... it shall be deemed a part of ... for the purposes ...

connected with the school department thereof, for the annual levying and collecting of the property tax for the school funds of said city or incorporated town; and for all purposes specified in sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight of this code, inclusive. [*Amendment approved March 23, 1893; Stats. 1893, p. 245; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 157. As then amended, it read as follows:—

Every county, city, or incorporated town, unless subdivided by the legislative authority thereof, forms a school district; *provided*, that whenever a city or town shall be incorporated, the board of supervisors may, upon petition, annex thereto, for school purposes only, the remainder of the district or districts from which said city or town was organized, or any part thereof; *and provided further*, that whenever any territory shall be annexed to a city or an incorporated town for school purposes, the board of education or of school trustees of said city or incorporated town shall have full control, for school purposes only, of the territory or property so annexed.

City as a school district: 97 Cal. 429.

1577. *How districts may be formed. First.* No new school district shall be formed at any other time than between the first day of December and the fifth day of April, nor at that time unless the parents or guardians of at least fifteen census children, residents of such proposed new district, and residing at a greater distance than two miles by a traveled road from the public school-house in the district in which said parents or guardians reside, present a petition to the superintendent of schools, setting forth the boundaries of the new district asked for; *provided*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from the said public school-house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of a district containing more than three hundred census children.

Second. The boundaries of a school district, except as provided in section one thousand five hundred and fifty-one of the Political Code, shall be changed only between the first day of January and the fifth day of April in any year, and then only when at least ten heads of families

residing in the districts affected by the proposed change of boundaries shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying contiguous may, at any time, be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the superintendent of schools.

Third. Joint districts — that is, districts lying partly in one county and partly in another — may be formed at any time between the first day of December and the fifth day of April in any year, whenever a petition signed by the parents or guardians of at least fifteen census children, residents of such proposed joint district, and residing at a greater distance than two miles by a traveled road from any public school-house, shall be presented to the superintendent of each county affected by the proposed formation of the joint district; *and provided further*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from any public school-house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of districts any one of which contains more than three hundred census children. All the provisions relative to the formation of joint districts shall be by concurrent action of the superintendent and the board of supervisors of each county affected.

Fourth. The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change.

Fifth. Whenever a district shall be united with a municipality, or with another district, all funds belonging to said district shall be transferred by requisition of the superintendent of the county upon the county auditor, to the municipality or district with which said district is united. [*Amendment approved March 23, 1893; Stats. 1893, p. 245; in effect immediately.*]

Change of boundaries. 93 Cal. 414.

1580 **Change of boundaries, property rights on:** 93 Cal. 414.

1581. *When school opens.* After the making of an order by the board of supervisors creating a new district, the school must be opened therein not later than the second Monday of September in the year in which the order was made; otherwise said order shall be null and void. [*Amendment approved March 23, 1893; Stats. 1893, p. 246; in effect immediately.*]

This section was also amended at the session of 1891. Stats. 1891, p. 147. As then amended, it read as follows: —

If there within six months after the making of an order creating a new school district, school is opened therein, the order shall cease to have effect.

1583 *Apportion moneys when district lies in two counties.* Whenever a district lies partly in one county and partly in another, the county superintendent must apportion to such district such proportion of the school money to which such district is entitled as the number of school census children residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district. The text-books to be used and the rules governing the school in such district shall be those adopted by the board of education of the county in which the school-house in said joint district is located. The trustees and teachers of joint districts shall make to the superintendents of each county in which the district is located the reports which other trustees and teachers are required to make, and also the number of pupils attending the school from each county. The teacher in such joint district shall not be required to hold a certificate in both counties. [*Amendment approved March 23, 1893; Stats. 1893, p. 246; in effect immediately.*]

This section was also amended at the session of 1891; Stats. 1891, p. 147.

1593. *Election of trustees.* An election for school trustees must be held in each school district on the first Friday of June of each year, at the district school-house, if there is one, and if *there is none, at the place to be designated by the board of trustees.*

1. The number of school trustees for any school district, except where city boards are otherwise authorized by law, shall be three. No person shall be deemed ineligible to the office of trustee on account of sex.

2. In new school districts, the school trustees shall be elected on the first Friday of June subsequent to the formation of the district, to hold office for one, two, and three years, respectively, from the first day of July next succeeding their election.

3. When a vacancy occurs from any of the causes specified in section nine hundred and ninety-six of this code, the superintendent shall appoint a suitable person to fill such vacancy, until the first day of July next succeeding the appointment, and a party shall be elected at the next June election, to hold office for the remainder of the term.

4. Except as provided in subdivisions two and three of this section, one trustee shall be elected annually, to hold office for three years, or until his successor shall be elected and qualified. [*Amendment approved March 23, 1893; Stats. 1893, p. 247, in effect immediately.*]

Special act inconsistent with the general law defining powers and duties of the board of education of Nevada school district, validity: 86 Cal. 372.

1596. *Trustees to appoint inspector and judges.* Trustees must appoint one inspector and two judges of election; if none are so appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them, and they shall conduct the election. [*Amendment approved March 23, 1893; Stats. 1893, p. 247; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 157.

1599. *Ballots, and manner of voting.* The voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot-box, and the judges shall enter the elector's name on the poll list. [*Amendment approved March 23, 1893; Stats. 1893, p. 247; in effect immediately.*]

This section was amended at the session of 1891 (Stats. 1891, p. 157), as follows. —

The voting must be by ballot; *provided*, that the provisions of sections eleven hundred and eighty-seven and eleven hundred and ninety-one of the Political Code may be dispensed with; but in all other respects it shall conform to the provisions of the general election law.

1602. *Canvass of votes.* The officers of election must publicly canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person or persons elected, which must, with the oath of office of the person so elected attached, be forwarded to the county superintendent of schools, and filed in his office. [*Amendment approved March 23, 1893; Stats. 1893, p. 248; in effect immediately.*]

1614. *How vacancies are caused. First.* Vacancies in the office of school trustee are caused by the happening of any of the events specified in section nine hundred and ninety-six of the Political Code, or by failure to elect, as provided in section one thousand five hundred and ninety-three of this code.

Second. When a school trustee resigns, his resignation must be sent in writing to the county superintendent of schools. [*Amendment approved March 23, 1893; Stats. 1893, p. 248; in effect immediately.*]

1615. *Trustees of new districts. First.* When a new district is organized, such of the trustees of the old districts as reside within the boundaries of the new shall be trustees of the new district until the expiration of the time for which they were elected.

Second. When joint districts are formed, three trustees shall be elected at the June election next succeeding the formation thereof, to hold office for one, two, and three years, respectively, from the first day of July next succeeding their election. The terms of the trustees in the districts uniting to form the joint district shall expire on the formation of said joint district, and the superintendent of the county in which lies the district having the greater number of census children shall appoint two trustees, and the superintendent of the county in which the other district lies shall appoint one trustee, to hold office until the first day of July next succeeding the formation of the joint

district. [*Amendment approved March 23, 1893; Stats. 1893, p. 248; in effect immediately.*]

1616. "**Boards of education,**" **provided** for herein, has the same meaning as "boards of trustees": 97 Cal. 429.

1617. *Powers and duties of trustees and boards of education.* The powers and duties of trustees of school districts, and of boards of education in cities, are as follows: —

First. To prescribe and enforce rules, not inconsistent with law or those prescribed by the state board of education, for their own government and government of schools, and to transact their business at regular or special meetings, called for such purpose, notice of which shall be given each member.

Second. To manage and control the school property within their districts, and to pay all moneys collected by them, from any source whatever, for school purposes, into the county treasury, to be placed to the credit of the special fund of their districts.

Third. To purchase text-books of the state series for the use of pupils whose parents are unable to purchase them, school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that, except in incorporated cities having boards of education, they purchase such books and apparatus only as have been adopted by the county board of education.

Fourth. To rent, furnish, repair, and insure the school property of their respective districts.

Fifth. When directed by a vote of their district, to build school-houses or to purchase or sell school lots.

Sixth. To make, in the name of the district, conveyances on all property belonging to the district, and sold by them.

Seventh. To employ the teachers, and, excepting in incorporated cities having boards of education, immediately notify the superintendent of schools, in writing, of such employment, naming the grade of certificate held by the teachers employed; also, to employ janitors and other employees of the schools; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any

contract with such employees to extend beyond the thirtieth day of June next ensuing.

Eighth. To suspend and expel pupils for misconduct.

Ninth. To exclude from schools children under six years of age; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years.

Tenth. To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Eleventh. To appoint district librarians, and enforce the rules prescribed for the government of district libraries.

Twelfth. To exclude from school and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

Thirteenth. To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school district, and to be kept in the district school library when not in use.

Fourteenth. To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered.

Fifteenth. To permit children from other districts to attend the schools of their district only upon the consent of the trustees of the district in which such children reside; *provided*, that should the trustees of the district in which children whose parents or guardians desire them to attend in other districts reside refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent, and his decision shall be final.

Sixteenth. On or before the first day of April in each year, to appoint a school census marshal, and notify the superintendent of schools thereof; *provided*, that in any city, or city and county, the appointment of all school census marshals shall be subject to the approval of the city superintendent of schools.

Seventeenth. To make an annual report, on or before the first day of July, to the superintendent of schools, in the manner and form and on the blanks prescribed by the superintendent of public instruction.

Eighteenth. To make a report, whenever required, directly to the superintendent of public instruction, of the text-books used in their schools.

Nineteenth. To visit every school in their district at least once in each term, and examine carefully into its management, condition, and wants. This clause to apply to each and every member of the board of trustees.

Twentieth. Boards of trustees may, and upon a petition signed by a majority of the heads of families resident in the district as shown by the last preceding school census must, call meetings of the qualified electors of the district for determining or changing the location of the school-house, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the school-house, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the board of trustees, —

1. In regard to the location or change of location of the school-house, or the use of the same for other than school purposes; *provided*, that in no case shall the school-house be used for purposes which necessitate the removal of any school desks, or other school furniture.

2. In regard to the sale and purchase of school sites.

3. In regard to prosecuting, settling, or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of

these purposes, in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the board of trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The board of trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section; *provided*, that the vote in favor of changing the location of the school-house shall be two thirds of all the electors voting at said meeting upon the proposition to change the location. [*Amendment approved March 23, 1893; Stats. 1893, p. 248; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 158.

Board has only conferred powers: 89 Cal. 215.

Rules of board, how far govern: 82 Cal. 483.

Inspecting teachers, appointment of, is illegal: 87 Cal. 215.

Tax-payer may restrain illegal payment by board of education: 87 Cal. 215.

Validity of warrant: 77 Cal. 638.

Forged warrants, liability on: 93 Cal. 551.

Section 1617 is to be construed with section 1793 of the Political Code: 82 Cal. 483.

Dismissal of teacher: See *post*, sec. 1793.

Fixing salary of superintendent: 97 Cal. 429.

San Francisco, control of schools by: 82 Cal. 483.

1619. *Schools shall be established for an equal length of* . *First.* The boards of school trustees and city boards ducation must maintain all the schools established by n for an equal length of time during the year, and, as s practicable, with equal rights and privileges.

ond. When, in any district, it is necessary for the conence of the residents of said district that the school n should be maintained a part of the year in one porf the district, and a part of the year in another por- the district, the aggregate of the time the school

has been maintained in the different portions of the district shall be considered in estimating the time for which a school has been maintained in the district during the school year. [*Amendment approved March 23, 1893; Stats. 1893, p. 251; in effect immediately.*]

1620. *Supplies.* Writing and drawing paper, pens, inks, blackboards, blackboard rubbers, crayons, and lead and slate pencils, and other necessary supplies for the use of the schools, must be furnished under the direction of the city boards of education and boards of school trustees, and charges therefor must be audited and paid as other claims against the county school fund of their districts are audited and paid. [*Amendment approved March 23, 1893; Stats. 1893, p. 251; in effect immediately.*]

1621. *Moneys for support of schools.* The boards of school trustees and city boards of education must use the school moneys received from the state and county apportionments exclusively for the support of schools for that school year, until at least an eight months' school has been maintained; if at the end of any year during which an eight months' school has been maintained there is an unexpended balance, it may be used for the payment of claims against the district outstanding, or it may be used for the year succeeding. Any balance remaining on hand at the end of any school year in which school has not been maintained eight months shall be reapportioned by the superintendent of schools as other moneys are apportioned; *provided*, that if a district has been prevented from maintaining a school for eight months in any year in consequence of fire, flood, prevailing epidemic, or other cause, which may, upon investigation by the superintendent of the county, be determined to be a good and sufficient one, said balance shall not be reapportioned. [*Amendment approved March 23, 1893; Stats. 1893, p. 251; in effect immediately.*]

1625. Repealed; Stats. 1891, p. 165.

1634. *Duties of census marshal.* It is the duty of the census marshal, —

First. To take annually, between the fifteenth and thirtieth days of April, inclusive, a census of all children,

including the children of Indian parents who pay taxes, or who are not living in the tribal relation, under seventeen years of age, who were residents of his district on said fifteenth day of April.

Second. To report the results of his labors to the superintendent of schools (or to the board of education in cities), on or before the tenth day of May in each year.

Third. He shall visit each habitation, home, residence, domicile, or place of abode in his district, and by actual observation and interrogation enumerate the census children of the same.

Fourth. Before entering upon the discharge of his duties as such, the census marshal must qualify and file his oath of office in the office of the superintendent of schools. [*Amendment approved March 23, 1893; Stats. 1893, p. 251; in effect immediately.*]

1636. *What report must show.* His report must be made under oath, upon blanks furnished by the superintendent of public instruction, and must show, —

First. The number, age, sex, color, and nationality of the children listed.

Second. The names of the parents or guardians of said children, arranged alphabetically, except in cities of the first class. In all cities the number and street of residence must be given.

Third. Such other facts as the superintendent of public instruction may designate.

Fourth. The census marshal shall have power to administer oaths to parents and guardians.

Fifth. If at any time the superintendent of schools has reason to believe that a correct census of the district has not been taken, he must have it corrected, and if necessary for the purpose, he may appoint a census marshal, and have the census of the district retaken. Should the board of education or board of school trustees of said city or district refuse to issue an order for the compensation of said marshal for his services, the superintendent is hereby authorized to issue his requisition therefor against the county fund of such city or district without such order. [*Amendment approved March 23, 1893; Stats. 1893, p. 252; in effect immediately.*]

1637. *What to include in report.* He must include in his report all children who are absent attending institutions of learning, and whose parents or guardians are residents of the district; he must also include as census children the children of Indian parents who pay taxes, and of Indian parents who are not living in the tribal relation; he must also include all orphan children absent from the district in orphan asylums whose guardians reside in the district, and every half-orphan absent in asylums whose surviving parent or guardian resides in the district; he must also include all native-born Chinese children. [*Amendment approved March 23, 1893; Stats. 1893, p. 252; in effect immediately.*]

1638. *What not to include in report.* He must not include in his report children who are attending institutions of learning, or such benevolent institutions as deaf and dumb, blind, and orphan asylums in his district, whose parents or guardians do not reside therein. [*Amendment approved March 23, 1893; Stats. 1893, p. 252; in effect immediately.*]

1639. *Compensation of census marshal.* The compensation of census marshal must be audited and paid as other claims upon the school fund of the district are audited and paid; *provided*, such compensation shall not exceed six dollars per day for time actually and necessarily employed; *and provided further*, that in no case shall the compensation be computed at a per capita sum; nor shall any order for such compensation be drawn by the trustees of any district, or by any board of education, until they shall have been notified by the superintendent that the report of the census marshal has been approved by him. In case the report should not be approved by the superintendent, the census marshal shall not be entitled to receive any compensation. [*Amendment approved March 23, 1893; Stats. 1893, p. 253; in effect immediately.*]

1649. *Clerk.* Boards of trustees must annually, on the first Saturday of July, meet and elect one of their number clerk of the district; and if a clerk is not elected at this date, the superintendent shall appoint. [*Amendment approved March 20, 1891; Stats. 1891, p. 160.*]

1650. *Duties of clerk.* It is the duty of the clerk, —

First. To call meetings of the board at the request of two members, and to act as clerk of the board, and keep a record of its proceedings, and an accurate account of the receipts and expenditures of school moneys.

Second. To keep his records and accounts, open to the inspection of the electors of the district, in suitable books provided by the board of school trustees for that purpose.

Third. To place the monthly journal designated as the official organ of the department of public instruction in the school district library each month; and if he fails to receive it regularly, to immediately notify the publishers of such fact.

Fourth. To perform such other duties as may be prescribed by the board. [*Amendment approved March 23, 1903, Stats. 1903, p. 253; in effect immediately.*]

This section was also amended at the session of 1901. Stats. 1901, p. 100.

1651. *Clerk to provide supplies, etc.* The clerk of each district must, under the direction of the board of trustees, provide all school supplies authorized by this chapter, keep the school-house in repair during the time school is taught therein, and exercise a general care and supervision over the school premises and school property during the vacations of the school. [*Amendment approved March 23, 1903; Stats. 1903, p. 253; in effect immediately.*]

1652. *Admission to school, and power of trustees.* Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the board of school trustees, or city board of education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted, or may here-

after be adopted, as part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years. [*Amendment approved March 23, 1893; Stats. 1893, p. 253, in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 161.

Colored or Chinese children, admission of, to public schools: 66 Cal. 473, 82 Cal. 588.

1663. *Primary and grammar schools.* 1. All schools, unless otherwise provided by law, must be divided into primary and grammar grades. The county board of education must, except in incorporated cities having boards of education, on or before the first day of July, prescribe the course of study in each grade for the ensuing year.

2. Except in incorporated cities having boards of education, the county board of education shall require that promotions, upon written examinations or otherwise, in each of said courses, shall take place at stated periods, at least once in each school year. It shall also provide for conferring diplomas at the end of the course of study in the grammar grade for those who satisfactorily pass the required examination.

3. The county board of education may amend and change, subject to section sixteen hundred and sixty-five, either of the above courses of study, whenever necessary. [*Amendment approved March 23, 1893; Stats. 1893, p. 254; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 161.

1665. *What may be taught.* Instruction must be given in the following branches, in the several grades of which each may be required, viz., reading, writing, orthography, arithmetic, geography, grammar, history of the United States, elements of physiology and hygiene, with special instruction as to the nature of alcoholic drinks and narcotics, and their effects upon the human system, vocal music, elementary book-keeping, industrial drawing, and civil government; *provided*, that instruction in physiology and hygiene, elementary book-keeping, and civil government may be oral, no text-books in these subjects being required to be purchased by the pupils;

provided further, that the board of education of any county may, in districts having less than one hundred census children, confine the pupils to the studies of reading, orthography, arithmetic, grammar, geography, history, penmanship, and elementary book-keeping, until they have a practical knowledge of these subjects. [*Amendment approved March 23, 1893; Stats. 1893, p. 254; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 161.

1668. *Other studies.* Other studies may be authorized by the board of education of any county, city, or city and county; but no such studies shall be pursued to the neglect or exclusion of the studies in the preceding section specified. [*Amendment approved March 23, 1893; Stats. 1893, p. 254; in effect immediately.*]

1669. *How high school may be established and maintained.* High schools may be established and maintained in the manner provided in sections one thousand six hundred and seventy and one thousand six hundred and seventy-one of the Political Code. [*New section added March 8, 1893; Stats. 1893, p. 268; in effect immediately.*]

Section 1669 as amended in 1887 was repealed by the statute of March 20, 1891; Stats. 1891, p. 164.

1670. *City, town, or district of one thousand inhabitants may establish high schools by election. First.* Any city, incorporated town, or school district having a population of one thousand inhabitants or more may, by a majority vote of the qualified electors voting at the election held for the purpose of determining the establishment and maintenance of such high school, establish and maintain a high school at the expense of such city, incorporated town, or school district.

Second. Whenever a majority of the heads of families, as shown by the last preceding school census, in any city, incorporated town, or school district having one thousand or more inhabitants shall unite in a petition to the board of education, or board of school trustees of said city, incorporated town, or school district for the establishing and maintaining of a high school therein, said board of education or board of school trustees shall petition the

county superintendent of schools to call an election in said city, incorporated town, or school district for the determination of the question.

Third. Within twenty days after receiving said petition from said board of education or board of school trustees, the county superintendent of schools shall call an election therein for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notice thereof in five of the most public places in said city, incorporated town, or school district, and by publication in a daily or weekly paper therein, if there be one, for not less than fifteen days. Said election shall be conducted in the manner prescribed for conducting school elections. The ballots at such elections shall contain the words "For high school," and the voter shall write or print after said words, on his ballot, the word "Yes" or the word "No." It shall be the duty of said election officers to report the result of said election to the county superintendent of schools within ten days subsequent to the holding thereof.

Fourth. When a majority in each district, as shown by the last preceding school census, of the heads of families residing in two or more school districts in the same county, shall unite in a petition to the county superintendent of schools for the establishing and maintaining of a union high school district, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Said election shall be held separately and simultaneously at the public school-house in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public school-house in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election in each district shall contain the words "For the union high school," and the voter shall write or print after said words, on his ballot, the word "Yes" or the word "No." It shall be the

duty of the said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election.

Fifth. If a majority of the votes cast in the election provided for in subdivision three of this section in said city, incorporated town, or school district shall be in favor of establishing and maintaining a high school therein, it shall be the duty of the county superintendent to call a meeting of the board of education or board of school trustees of said city, incorporated town, or school district, not fifteen days after receiving the returns of the election held therein, by giving at least ten days' notice, in writing, to every member of said board of education or board of school trustees. The board of education or board of school trustees shall, at said meeting, determine the location and the name of the high school.

Sixth. If a majority of the votes cast in the districts voting for a union high school shall, in the aggregate, be in favor of establishing and maintaining a union high school therein, the county superintendent shall, within fifteen days after receiving the returns of the election held therein, direct the board of school trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in subdivision twenty of section sixteen hundred and seventeen of the Political Code. At said meeting the qualified electors shall in each district select three representatives. The representatives so chosen shall meet in conjunction with the county superintendent of schools at a time and place to be named by the superintendent, for the purpose of determining the location and name of the union high school. At such meeting the superintendent shall be the chairman, and shall be entitled to vote and participate in all its proceedings. No change of location of any high school, when once established, shall be made except upon a petition to the county superintendent of schools, signed by two thirds of the heads of families of the high school district, and then only in accordance with all of the *provisions* for the original location *of the school as contained in subdivisions five and six of this section.*

Seventh. In any city, incorporated town, or school district which shall have established a high school, the board of education or board of school trustees shall constitute the high school board, and shall have the management and control of said high school.

Eighth. In union high school districts the high school board shall be composed of the clerks of the boards of trustees of the respective districts uniting; *provided*, that should the union high school district consist of but two school districts, the union high school board shall be composed of the boards of trustees of both said districts.

Ninth. The union high school board shall meet within ten days subsequent to the locating and naming of the union high school by the parties selected for that purpose, and shall organize by electing a president and a clerk from their own number, to serve until the second Saturday of July next succeeding their election; and thereafter the board shall meet and organize in the same manner on the second Saturday of July of each and every year.

Tenth. The respective high school boards shall hold regular monthly meetings at the high school building at such time as may be provided in the rules and regulations adopted by them for their own government. Special meetings may be held at the call of the president of the respective boards. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof. Of all special meetings of any board, the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings, no business shall be transacted other than as specified in the call therefor.

Eleventh. The powers and duties of the high school boards shall be such as are now or as may hereafter be assigned by law to boards of education or boards of school trustees, including the provisions of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclusive, of the Political Code, relating to the voting and issuance of bonds, except as otherwise provided in this section.

Twelfth. The course of studies for the respective high schools shall be prepared by the high school board, and,

except in cities and incorporated towns, shall be subject to the approval of the county board of education. Said course of study shall embrace a period of not less than three years; and it shall be such as will prepare graduates therefrom for admission into the State University. The text-books to be used shall be adopted by the high school board, subject to the same restriction as is provided for the adoption of the course of study. The state series shall be used in grades and classes for which they may be suitable.

Thirteenth. Graduates of the grammar schools shall be admitted to the high schools without examination. Other applicants of the high school district may be admitted in accordance with such rules as may be prescribed by the high school board. The high school board may admit pupils not residing in any high school district, upon the payment of such tuition fees as they may deem proper, and all moneys collected from this source shall be paid into the fund provided for the support of the high school.

Fourteenth. In any city, incorporated town, school district, or union high school district which shall have voted to establish and maintain a high school, it shall be the duty of the high school board therein to furnish to the authorities whose duty it is to levy taxes, on or before the second Monday of September, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds for the accommodation of the school, and of conducting the school for the school year. It shall be the duty of said board each and every year thereafter, to present to said authorities, on or before the second Monday of September, an estimate of the amount of money required for conducting the school for the school year.

Fifteenth. When such estimate shall have been made, it shall be the duty of the authorities in said city, incorporated town, school district, or union high school district to levy a special tax upon all of the taxable property of said city, incorporated town, school district, or union high school district, *sufficient to raise the amount required by said high school board, as shown by said estimate.*

Said tax shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, and collected.

Sixteenth. Should the high school board of any city, incorporated town, school district, or union high school district refuse or neglect to make the estimate provided for in subdivision fourteen of this section, it shall be the duty of the superintendent of schools, upon the petition of five qualified electors thereof, to make such estimate.

Seventeenth. Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, refuse or neglect to make the levy provided for, it shall be the duty of the county auditor to make such levy, and add it to the tax roll of said city, incorporated town, school district, or union high school district.

Eighteenth. All moneys collected from the levy of the tax provided for by this section shall be paid in cities and incorporated towns into the treasury thereof, to the credit of the high school fund; and said moneys shall be paid out by the treasurers of said cities or towns upon the warrants of the high school board, signed by the president and clerk thereof.

Nineteenth. All moneys collected from said levy in school districts, or union high school districts, shall be paid into the county treasury to the credit of the district high school fund, or the union high school fund, respectively, and shall be paid out on the order of the high school board, signed by the president and clerk thereof, as other school moneys are paid out.

Twentieth. Nothing in this section shall be construed as preventing all of the school districts in any county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, school district, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; *and provided further*, that when any city, incorporated town, school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such city,

incorporated town, school district, or union high school district shall be excluded from voting upon said proposition.

Twenty-first. When the boundaries of school districts shall, for any cause, be changed, such change shall not affect the high school district.

Twenty-second. Any school district adjacent to a high school district may be admitted to said high school district by action of the board of supervisors of the county, upon such terms as may be agreed upon between the trustees of the school district seeking admission and the high school board, whenever a majority of the heads of families, as shown by the last preceding school census, shall present to said board of supervisors a petition to such annexation, accompanied by a petition signed by a majority of the members composing the high school board of the district to which admission is desired.

Twenty-third. When the average daily attendance of pupils in any high school during the whole of any school year, after the first school year, shall be ten, or less than ten, the superintendent of schools shall suspend the school in said district, and shall report the fact to the board of supervisors. Upon receiving such report from the superintendent the board of supervisors shall declare the high school disbanded, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the high school district, and all moneys in the treasury to the credit of said high school, shall be distributed by the county superintendent to the districts composing the high school district, in proportion to the assessed valuation of property in said districts.

Twenty-fourth. When, in consequence of distance or of convenience in traveling, it is more convenient for pupils residing in any high school district to attend the high school in another high school district, the high school board of the latter district may admit such pupils to the high school in their district. The high school board in the district in which such pupils reside shall, upon demand, give to the high school board of the district in which such pupils attend, a warrant upon the fund of their district in payment of the tuition of said pupils, equal to the amount

charged for the tuition of non-resident pupils, as provided in subdivision thirteenth of this section.

Twenty-fifth. 1. When a majority of the heads of families residing in two or more adjacent districts, not in the same county, shall unite in a petition to the county superintendents of their respective counties for the establishing and maintaining of a joint union high school district, it shall be the duty of said superintendent, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each district petitioning, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision fourth of this section, and the result thereof shall be reported by the election officers in each district to the superintendents of the counties in which the districts are situated, within five days subsequent to the holding of said election.

2. If a majority of the votes cast in the districts shall, in the aggregate, be in favor of establishing a joint union high school, the county superintendent in each county shall, within fifteen days after receiving the returns of the election, direct the board of trustees in the district or districts, in his respective county, to call a meeting of the qualified electors, as provided in subdivision sixth of this section. At said meeting the qualified electors in each district shall select representatives, as provided in said subdivision. The representatives so chosen shall meet at a time and place, to be agreed upon among themselves, for the purpose of determining the location and name of the school.

3. The joint union high school board shall be composed as provided in subdivision eighth of this section; and their powers and duties shall be such as are specified in this section for union high school boards; *provided*, that the estimate provided for in subdivision fourteenth of this section shall be furnished to the authorities in each of the counties in which the districts uniting are situated; *and provided further*, that the portion of such estimate to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment roll thereof.

4. All the provisions relative to the levy and collection of the tax necessary to raise the amount estimated as provided shall apply to the levy and collection of the tax for joint union high schools; *provided*, that the amount collected in each district shall be paid into the treasury of the county in which said district is located, to the credit of a fund to be known as the joint union high school fund, and shall be paid out as provided in subdivision nineteenth of this section. [*New section added March 23, 1893; Stats. 1893, p. 268; in effect immediately.*]

"An act to authorize the establishment of county high schools, and provide for their support," approved March 10, 1891, repealed: Act of March 23, 1893; Stats. 1893, p. 276, sec. 72. The act repealed by the above statute was as follows: —

An act to authorize the establishment of county high schools, and provide for their support.

[Approved March 10, 1891; Stats. 1891, p. 57.]

SECTION 1. There may be established in any county in this state one or more county high schools; *provided*, that at any general or special election held in such county after the passage of this act, the majority of all the votes cast at such election shall be in favor of establishing and maintaining such county high school or schools at the expense of the county.

SEC. 2. The board of supervisors shall, at any general election to be held in any county after the passage of this act, and upon the petition of fifty or more qualified electors and taxpayers of said county they must, submit the question to the qualified electors of establishing a county high school. They may, in their discretion, call a special election for such purpose, upon the petition of at least fifty qualified electors of such county. Said election shall be conducted in the manner prescribed by law for conducting elections. The ballots at such election shall contain the words "For county high school"; and the voter may write or print thereafter on the ballot the word "Yes" or the word "No."

SEC. 3. If the majority of all the votes cast are in the affirmative, it shall be the duty of the board of supervisors, within thirty (30) days after canvassing said vote, to locate the school in some suitable and convenient place in said county. The board of supervisors shall also estimate the cost of purchasing a suitable lot, erecting a building, and furnishing the same, for the accommodation of such school, together with the cost of conducting such school for the next twelve months.

SEC. 4. When such estimate shall have been made, the board of supervisors shall thereupon proceed to levy a special tax upon all of the assessable property of the county, sufficient to raise the amount estimated as necessary for the purchasing of a lot, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds,

and the cost of running said school for the following twelve (12) months. Said tax shall be computed, entered on the tax roll, and collected in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be deposited in the county treasury, and be known and designated as the county high school fund, and shall be drawn from the treasury as other moneys so appropriated are drawn.

SEC. 5. When the board of supervisors shall have properly provided and completed the building, together with the necessary fencing of the lot so purchased, they shall cause the same to be deeded to the county board of education, who shall hold the same in trust for the county.

SEC. 6. It shall be the duty of the county board of education to furnish to the board of supervisors, annually, an estimate of the amount of money needed to pay all of the necessary expenses of running said school; to adopt the necessary textbooks (the state series shall be used in grades and classes for which they are adapted); to adopt and enforce a course of study for said school; to employ suitable teachers, janitors, and other employees, and discharge such employees when deemed advisable by them; and to do any and all other things necessary to the proper conduct of the school. The course of study shall be such as will, when it is completed by the student, fit him for admission to the University of California.

SEC. 7. It shall be the duty of the board of supervisors to include in their annual tax levy the amount estimated by the county board of education as needed to pay the expenses of conducting the county high school, and such amount, when collected and paid into the county treasury, shall be known as the "County High School Fund," and may be drawn therefrom in the following manner, for the purpose of defraying the expenses of conducting said county high school: The county board of education shall draw their order on the county superintendent of schools, in the manner and form provided by law for school district trustees drawing orders on their district school funds, and the county superintendent shall draw his requisition on the auditor, who shall draw his warrant on the county treasurer in favor of the person or persons to whom the amount called for in such requisition is due. All orders, requisitions, and warrants drawn on the "county high school fund," in all other respects, except as specified in this act, shall be subject to the law governing school districts.

SEC. 8. In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school.

SEC. 9. All high schools shall be open for the admission of graduates holding diplomas from the county grammar schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admission shall be conducted by the county board of education and the principal of the county high school.

SEC. 10. This act shall take effect from and after its passage.

"An act to provide for the establishment of high schools in the state of California," approved March 20, 1891, repealed. Act of March 28, 1890, Stats. 1889, p. 276, sec. 72. The act repealed by the above statute was as follows:—

An act to provide for the establishment of high schools in the state of California.

(Approved March 20, 1891, Stats. 1891, p. 182.)

SECTION 1. Any city or incorporated town of one thousand five hundred or more inhabitants may, by majority vote of the qualified electors thereof, establish and maintain a high school; or two or more adjoining school districts may unite and form a union high school district, for the purpose of establishing and maintaining a high school therein, at the expense of such city or incorporated town, or union high school district.

SEC. 2. When a majority of the board of education in a city or incorporated town having a board of education, or a majority of the trustees of two or more adjoining school districts, shall unite in a petition to the county superintendent, accompanied by a petition for the establishment of such high schools, signed by not less than one hundred resident electors of such city or incorporated town or school district, it shall be the duty of the county school superintendent, within twenty days, to call an election, and appoint the officers to conduct the same, for the determination of such question. Notices of such election, not less than five in such city or incorporated town, and not less than three for each district concerned, shall be posted, one of which shall be upon the school house in each district, at least ten days before said election. Said election shall be conducted in the manner prescribed by law for conducting school elections. The ballots at such elections shall contain the words "For high school," and the voter shall write or print thereafter on the ballot the word "Yes," or the word "No." It shall be the duty of the officers of such elections to report the result of such elections to the county superintendent of schools.

SEC. 3. If a majority of such votes be cast in favor of a high school, it shall be the duty of the county superintendent to call a meeting of the board of education in such city or incorporated town if there be one, if not, of the board of city trustees, or of the boards of school trustees uniting, within fifteen days, ten days' notice of which shall be given to each member of each board in writing, by the county superintendent. At such meeting the question of locating the high school shall be determined.

SEC. 4. In cities, incorporated towns, or union high school districts, which have determined to establish such high schools, an annual tax shall be levied by the authorities whose duty it is to levy taxes in counties, cities, incorporated towns, the amount of said tax being estimated by the county superintendent of schools (or if it be a city having a city superintendent, then by the city superintendent of schools), and by him certified to the proper authorities, on or before the second

Monday of September of each year. And it shall be the duty of such authorities to levy such a rate as will produce the amount estimated to be necessary for such purpose.

SEC. 5. In cities or incorporated towns having boards of education, the board of education shall have charge of such high schools. In school districts uniting to form a union high school district, the board to have charge of the high school shall consist of the chairman of the board of trustees of each district forming the union high school district.

SEC. 6. Said board of union high school district trustees shall elect a chairman and clerk at the time and in the manner as provided in section sixteen hundred and forty-nine of the Political Code. For the management of the union high school, the board shall have all the powers and duties that are now and may be hereafter vested in school trustees, except as otherwise provided in this act: *provided*, that if the union high school district comprises but two school districts, the union high school board shall consist of the chairman and clerk of each district concerned.

SEC. 7. The course of study of such high schools shall be prescribed by the high school board. Said course of study shall be such as, when completed, shall prepare its students for admission into the State University.

SEC. 8. Graduates of the grammar schools of the city, incorporated town, or of the school districts composing the union high school district shall be admitted to such high school without examination. Other applicants, residents of the city, incorporated town, or union high school districts shall be admitted upon passing an examination, to be conducted by the high school board and the principal. Non-residents, otherwise qualified, may be admitted upon paying a reasonable tuition, to be fixed by the board in charge of the school.

SEC. 9. Nothing in this act shall be construed as preventing all the school districts in the county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; *and provided further*, that if such city or incorporated town, or two or more school districts, shall establish a high school prior to the submission of the question of establishing a county high school or schools, the electors of such high school district shall be excluded from voting upon the county high school proposition.

SEC. 10. This act shall take effect from and after its passage.

1671. *County high schools. First.* There may be established in any county in this state one or more county high schools; *provided*, that at any general or special election held in said county after the passage of this act a majority of all the votes cast at such election, upon the proposition to establish a high school, shall be in favor of

establishing and maintaining such county high school or schools at the expense of said county.

Second. The board of supervisors, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by fifty or more qualified electors, tax-payers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The board of supervisors, if they deem it expedient, may order a special election for such purpose. Said election shall be conducted in the manner prescribed by law for conducting elections. The ballots at such election shall contain the words "For county high schools," and the voter shall write or print thereafter, on the ballot, the word "Yes" or the word "No."

Third. If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the board of supervisors, within thirty days after canvassing said vote, to locate the school in some suitable and convenient place in said county. The board of supervisors shall also estimate the cost of purchasing a suitable lot, erecting a building, and furnishing the same, for the accommodation of such school, together with the cost of conducting such school for the next twelve months; *provided*, that the high school board may rent suitable rooms for the accommodation of the school. If rooms can be obtained in public school buildings in the place in which said school shall be located, such rooms shall be given the preference.

Fourth. When such estimate shall have been made, the board of supervisors shall thereupon proceed to levy a special tax upon all of the assessable property of the county, except as provided in subdivision twentieth of section one thousand six hundred and seventy of the Political Code, sufficient to raise the amount estimated as necessary for the purchasing of a lot, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following twelve (12) months. Said tax shall be computed, entered on the tax roll, and collected in the same manner as other taxes are computed,

entered, and collected, and the amount so collected shall be deposited in the county treasury, and be known and designated as the county high school fund, and shall be drawn from the treasury as other moneys so appropriated are drawn.

Fifth. When the board of supervisors shall have properly provided and completed the building, together with the necessary fencing of the lot so purchased, they shall cause the same to be deeded to the county board of education, who shall hold the same in trust for the county.

Sixth. It shall be the duty of the county board of education to furnish to the board of supervisors, annually, an estimate of the amount of money needed to pay all of the necessary expenses of running said school; to adopt the necessary text-books (the state series shall be used in grades and classes for which they are adapted); to adopt and enforce a course of study for said schools; to employ suitable teachers, janitors, and other employees, and discharge such employees when deemed advisable by them; and to do any and all other things necessary to the proper conduct of the school. The course of study shall be such as will, when it is completed by the student, fit him for admission to the University of California.

Seventh. It shall be the duty of the board of supervisors to include in their annual tax levy the amount estimated by the county board of education as needed to pay the expenses of conducting the county high school; and such amount, when collected and paid into the county treasury, shall be known as the "County High School Fund," and may be drawn therefrom in the following manner, for the purpose of defraying the expenses of conducting said county high school: The county board of education shall draw their order on the county superintendent of schools, in the manner and form provided by law for school district trustees drawing orders on their district school funds, and the county superintendent shall draw his requisition on the auditor, who shall draw his warrant on the county treasurer in favor of the person or persons to whom the amount called for in such requisition is due. All orders, requisitions, and warrants drawn on the "County High School Fund," in all other respects,

except as specified in this act, shall be subject to the law governing school districts.

Eighth. In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school.

Ninth. All high schools shall be open for the admission of graduates holding diplomas from the county grammar schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admission shall be conducted by the county board of education and the principal of the county high school.

Tenth. All proceedings for the establishment of county and union high schools had prior to the passage and approval of this act are hereby validated and declared legal; and said high schools shall continue under the provisions of the law under which they were established until the first day of July, one thousand eight hundred and ninety-three; thereafter they shall be conducted in accordance with the provisions of this act. [*New section added March 23, 1893; Stats. 1893, p. 274; in effect immediately.*]

1662. Repealed; Stats. 1891, p. 164.

1667. *Beginners, how taught.* In all schools having more than two teachers, beginners shall be taught by teachers who have had at least two years' experience, or by normal school graduates; and in cities such teachers shall rank, in point of salary, with those of the assistant teachers in the highest grade in the grammar schools; and in no case shall boards of education or boards of school trustees draw orders for the salary of any teacher in violation of this provision, nor shall any superintendent draw any requisition for the salary of any teacher in violation thereof. [*Amendment approved March 23, 1893; Stats. 1893, p. 254; in effect immediately.*]

1666. *Duty of teachers.* Every teacher in the public schools must,—

First. Before assuming charge of a school, file his or her

certificate with the superintendent of schools; *provided*, that when any teacher so employed is the holder of a California state normal school diploma, accompanied by the certificate of the state board of education, as provided in subdivision third of section one thousand five hundred and three of the Political Code, an educational or a life diploma of California, upon presentation thereof to the superintendent he shall record the name of said holder in a book provided for that purpose in his office, and the holder of said diploma shall thereupon be absolved from the provisions of this subdivision.

Second. Before taking charge of a school, and one week before closing a term of school, notify the county superintendent of such fact, naming the day of opening or closing. Boards of education and boards of school trustees must in every case give to the teacher a notice of at least two weeks of their intention to close the term of school under their charge. No superintendent shall draw any requisition for the last month's salary of any teacher until said teacher has filed with him the notice required by this subdivision.

Third. Enforce the course of study, the use of the legally authorized text-books, and the rules and regulations prescribed for schools.

Fourth. Hold pupils to a strict account for their conduct on the way to or from school, on the play-grounds, or during recess; suspend, for good cause, any pupil from the school, and report such suspension to the board of school trustees or city board of education for review. If such action is not sustained by them, the teacher may appeal to the county superintendent, whose decision shall be final.

Fifth. Keep a state school register, in which shall be left, at the close of the term, a report showing programme of recitations, classification, and grading of all pupils who have attended school at any time during the school year. The superintendent shall in no case draw a requisition in favor of the teacher until the teacher has filed with him a certificate from the clerk of the board of school trustees to the effect that the provisions of this subdivision have been complied with.

[illegible] Make an annual report to the county superintendent at the time and in the manner and on the blanks prescribed by the superintendent of public instruction. Any teacher who shall end any school term before the close of the school year shall make a report to the county superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include the statistics for the entire school year, notwithstanding his previous report for a part of the year. The superintendent of schools shall in no case draw a requisition for the salary of any teacher for the last month of the school term until the report required by this subdivision has been filed, and by him approved.

[illegible] Make such other reports as may be required by the superintendent of public instruction, county superintendent, board of school trustees, or city board of education. [*Amendment approved March 24, 1893; Stats. 1893, p. [illegible], in effect immediately.*]

This section was also amended in 1891. Stats. 1891, p. 161.

1698 *Dismissal of teacher.* In case of the dismissal of any teacher before the expiration of any oral or written contract entered into between such teacher and board of trustees for alleged unfitness or incompetence, or violation of rules, the teacher may appeal to the school superintendent, and if the superintendent decides that the removal was made without good cause, the teacher so removed must be reinstated, and shall be entitled to compensation for the time lost during the pending of the appeal. [*Amendment approved March 24, 1893; Stats. 1893, p. [illegible], in effect immediately.*]

Dismissal of teacher. See *post*, sec. 1793, note.

1699 *On appeal, superintendent of schools to investigate charges. Final.* Any teacher whose salary is withheld may appeal to the superintendent of public instruction, who shall thereupon require the superintendent of schools to investigate the matter and present the facts thereof to him. The judgment of *the superintendent of public instruction shall be final, and upon receiving it, the superintendent of schools, if the judgment is in favor of the*

teacher, shall, in case the trustees refuse to issue an order for said withheld salary, issue his requisition in favor of said teacher.

Second. Should any teacher employed by a board of school trustees for a specified time leave the school before the expiration of such time, without the consent of the trustees, in writing, said teacher shall be deemed guilty of unprofessional conduct, and the board of education of the county are authorized, upon receiving notice of such fact, to suspend the certificate of such teacher for the period of one year; should said teacher be the holder of an educational or a life diploma, the superintendent of schools shall report the delinquency of the teacher to the state board of education, who are thereupon authorized to suspend said diploma for the period of one year. [*Amendment approved March 23, 1893; Stats. 1893, p. 256; in effect immediately.*]

1712. *Library fund. First.* The board of school trustees, and the city board of education in any city, must expend the library fund, together with such moneys as may be added thereto by donation, in the purchase of school apparatus and books for a school library, including books for supplementary work; and no warrant shall be drawn by the superintendent of schools upon the order of any board of trustees against the library fund of any district unless such order is accompanied by an itemized bill, showing the books and apparatus, and the price of each, in payment of which the order is drawn, and unless such books and apparatus have been adopted by the county, or city, or city and county board of education. All orders of the trustees and of boards of education for books or apparatus must in every case be submitted to the superintendent of schools of the county, or city, or city and county, respectively, for his approval, before said books or apparatus shall be purchased.

Second. The trustees of each district shall cause each book now in their district school library, or that may hereafter be placed in said library, to be stamped on the fly-leaf, on the title-page, and on each one hundredth page of the book, with the words "Department of Public Instruction, State of California, —— County, —— District

Library," and the county superintendent is hereby authorized and instructed to procure such stamp for each district in his county, and to pay for the same out of the county school fund of such district. [*Amendment approved March 23, 1893, Stats. 1893, p. 256, in effect immediately.*]

1713 *Library fund consists of what.* Except in cities not divided into school districts, the library fund shall consist of not less than five nor more than ten per cent of the county school fund annually apportioned to the district; *provided* that should ten per cent exceed fifty dollars, fifty dollars only shall be apportioned to the district; *and provided further*, that the school trustees of each district in the county shall, in the month of July in each year, notify the superintendent of the county as to what amount they desire to be apportioned for their respective districts for the year. [*Amendment approved March 23, 1893; Stats. 1893, p. ——, in effect immediately.*]

1714 *Same.* In cities not divided into school districts, the library fund shall consist of a sum not to exceed fifty dollars for every one thousand children, or fraction thereof of five hundred or more, between the ages of five and seventeen years, annually taken from the city or county school fund apportioned to the city. The superintendent shall apportion the library fund in cities not divided into districts among the several schools in proportion to the average number of children belonging to each school. [*Amendment approved March 23, 1893; Stats. 1893, p. 256; in effect immediately.*]

1757 Repealed; Stats. 1893, p. 276, sec. 72.

1768 *County board of education. First.* Except in any city and county, there shall be a county board of education, which shall consist of the county superintendent of schools and of four other members, appointed by the board of supervisors of the county.

Second. Of the members appointed by the board of supervisors, at least two shall *always be experienced* teachers, holding *not lower than grammar grade* certificates in *full force and effect.*

Third. At their last regular meeting preceding the first day of July in the year eighteen hundred and ninety-three, the board of supervisors shall appoint two members, at least one of whom shall be an experienced teacher, to serve on said board of education for the period of one year; and also two persons, at least one of whom shall be an experienced teacher, to serve on said board of education for the period of two years; and thereafter, each and every year, the board of supervisors, at the last regular meeting preceding the first day of July, shall appoint two persons, at least one of whom shall be an experienced teacher, to serve on said board of education for the period of two years.

Fourth. If the board of supervisors of any county refuse or neglect to appoint members of the county board of education, as provided in subdivision three of this section, it shall be the duty of the county superintendent to appoint them. Should a vacancy occur at any time in the county board of education, it shall be the duty of the board of supervisors to appoint a party to fill such vacancy.

Fifth. The members of the county board of education elected or appointed shall qualify within ten days after receiving notice of their election or appointment.

Sixth. The county board of education shall organize on the first meeting subsequent to the first day of July in each year, by electing one of their number president of the board. The county superintendent shall be ex officio secretary of the board.

Seventh. For the transaction of business, three members shall constitute a quorum; but no teacher's certificate shall be issued, renewed, or revoked, nor shall any books or apparatus be adopted, except by an affirmative vote of at least three members of the board. On the call of any member, the ayes and nays shall be taken upon any proposition, and the vote shall be recorded in the minutes of the board. [*Amendment approved March 23, 1893; Stats. 1893; p. 257; in effect immediately.*]

1769. Repealed; Stats. 1893, p. 276, sec. 72.

1770. *Semi-annual meetings. First.* Each county board of education shall meet semi-annually, at such

time as they may determine. Special meetings may be called by the superintendent whenever, in his judgment, the exigencies of the schools may require them to be held. Upon the request of any three members, in writing, the superintendent shall call a special meeting. Notice of all semi-annual meetings shall be given by the secretary at least ten days prior to the time of meeting; and no business shall be transacted at a special meeting, except as provided in subdivision second of this section, other than such as may be specified in the call of the secretary.

Second. Examination of applicants for teachers' certificates shall be held only at the semi-annual meetings of the board. Certificates upon credentials may be granted, and certificates may be renewed, at any meeting of the board.

Third. The board of supervisors shall allow to each member of the county board of education a compensation of five dollars per day for his services, and the same rate of mileage as is allowed to the members of the board of supervisors of the county. The secretary shall be allowed the sum of five dollars per day for the actual time that the board may be in session; said compensation of the members of the board, and of the superintendent, shall be payable out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Fourth. All expenses for printing required by the county board of education, and all incidental expenses incurred for stationery or other purposes in the performance of their duties, shall be audited and paid as other claims against the general fund of the county are paid. [*Amendment approved March 23, 1893, Stats. 1893, p. 258; to effect immediately.*]

1771. *Powers of county boards of education.* County boards of education have power.

First. To adopt rules and regulations, not inconsistent with the laws of this state, for their own government.

Second. To prescribe and enforce rules for the examination of teachers.

Third. To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant certificates of three

grades, valid throughout the county, except as provided in section seventeen hundred and seventy-five, as follows:—

1. High school; valid for six years, authorizing the holder to teach in any high school, grammar grade, or primary school; *provided*, that holders of grammar school course certificates shall be entitled to receive high school certificates in lieu thereof.

2. Grammar grade; valid for six years, authorizing the holder to teach in any grammar grade or primary school.

3. Primary; valid for two years, authorizing the holder to teach in any primary school; also, to grant special certificates, valid for six years, which shall entitle the holder to teach such special branches as may be required by city or county boards of education.

Fourth. To prescribe and enforce the use of a uniform series of text-books, and a course of study in the public schools, and to adopt a list of books and apparatus for district school libraries.

Fifth. To revoke or suspend, for immoral or unprofessional conduct, or evident unfitness for teaching, the certificates granted by them.

Sixth. To keep a record of its proceedings.

Seventh. To issue diplomas of graduation from any of the public schools of the county, except in incorporated cities having boards of education, which diplomas shall be designed by the superintendent of public instruction, and distributed as other blanks from his office. Diplomas shall be issued only to pupils who have passed an examination prescribed by the county board of education. Such diplomas shall be signed by the president and secretary of the county board, and by the principal of the school.

Eighth. To adopt and use, in authentication of its acts, an official seal; and to have such printing done as may be necessary in the discharge of their duties.

Ninth. All examination papers for teachers' certificates shall be kept on file in the office of the superintendent of schools for at least one year, and shall be open for the inspection of applicants or their authorized agents. [*Amendment approved March 23, 1893; Stats. 1893, p. 259; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 162.

1772. *In what branches examinations must be made.* Except as provided in section seventeen hundred and seventy-five, certificates shall be granted only to those who have passed a satisfactory examination in all the studies prescribed by the county board of education; *provided*, that applicants for primary county certificates shall be required to pass an examination only in arithmetic, grammar, geography, composition, history of the United States, orthography, defining, penmanship, reading, methods of teaching, school law, industrial drawing, physiology, civil government, elementary book-keeping, and vocal music. [*Amendment approved March 23, 1893; Stats. 1893, p. 290, in effect immediately.*]

1775. *Certificates without examination. First.* The board may also, without examination, grant county certificates of either the grammar or the primary grade to the holders of life diplomas of other states, Nevada, Oregon, and Washington state educational diplomas; San Francisco normal class diplomas, when recommended by the superintendent of public schools of said city; California State University diplomas, when recommended by the faculty of the university; state normal school diplomas of other states; grammar grade certificates of any county, city, or city and county of California; and county certificates of the high school grade to holders of California State University diplomas, when recommended by the faculty of the university, and to graduates of any other institution in the United States which the state board of education of this state shall have recommended as being of the same rank as the State University of California, when the diploma of graduation from said institution shall be accompanied by a recommendation from the faculty thereof, showing that the holder of the diploma has had academic and professional training equivalent to that required by the State University. The general conditions on which such recommendations may be accepted by the county boards of education as fulfilling these requirements shall be prescribed by the state board of education.

Second. Whenever any *holder of a diploma from a State University shall present to the state board of education satisfactory evidence of having had two years'* suc-

cessful experience as a teacher subsequent to graduation, accompanied by a recommendation from the faculty of the State University, showing that said graduate has completed the prescribed course in the pedagogical department of the State University, the state board of education shall grant to the holder of said university diploma a document, signed by the president and secretary of the state board, showing such fact, and the said diploma, accompanied by said document of the state board attached thereto, shall become a permanent certificate of qualification to teach in any primary, grammar, or high school in the state, valid until such time as the said document shall be revoked by said state board of education for any of the causes shown in subdivision four of section one thousand seven hundred and ninety-one.

Third. The board may, without examination, renew unexpired certificates previously granted by said board, such renewed certificates to remain valid for the same length of time for which new certificates may be granted; and the grammar grade and primary certificates issued or renewed by the county board of education shall entitle the holders thereof to teach in any city or district school in the county, in grades corresponding to the grades of their certificates; *provided*, that in cities having special departments in their schools, holders of credentials mentioned above may be examined by the city board of examination in the special studies of such departments. County boards of education may issue, upon proper examination or credentials, special certificates in any special branches taught in the schools of the county. All certificates must be issued upon the blank forms prepared for the purpose by the superintendent of public instruction. [*Amendment approved March 23, 1893; Stats. 1893, p. 260; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 163.

1776. *Members of boards prohibited from preparing any one for examination.* Any member of a county board of education or of a city board of examination who shall, except in the regular course of study in the public schools, teach any classes where pupils are given special instruction

to prepare them for passing examination to obtain teachers' certificates, or who shall give special instruction to any person preparing for examination to obtain a teacher's certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof, his office shall be declared vacant. No certificate shall be issued to any applicant who has received special instructions, when preparing for examination, from any member of a county board of education, or of a city board of examination. [*Amendment approved March 23, 1893; Stats. 1893, p. 261, in effect immediately.*]

1787. *City board of examination.* In every city or city and county of the first, second, or third class, having a board of education, there may be a city board of examination. [*Amendment approved March 23, 1893; Stats. 1893, p. 261; in effect immediately.*]

1788. *How selected.* Each city board of examination shall consist of the city superintendent of schools, and four other members, residents of such city, all of whom shall be experienced teachers, elected by the city board of education, and holding office for two years. [*Amendment approved March 23, 1893, Stats. 1893, p. 261; in effect immediately.*]

1790. *Meetings.* The city board of examination must meet and hold examinations for the granting of teachers' certificates semi-annually, at such times as they may determine. They may also hold monthly meetings for the transaction of such business as may come before them. Special meetings may be called by the city superintendent when, in his judgment, the same are necessary; and on the request, in writing, of any three members of the board, the city superintendent shall call a special meeting. No business shall be transacted at any special meeting except such as is indicated in the call therefor, and of all special meetings due notice shall be given to each member of the board. The place of meeting shall be designated by the chairman. All meetings of the city board of examination shall be public and the record of their proceedings shall be kept in the office of the city *superintendent of schools.* [*Amendment approved March 23, 1893, Stats. 1893, p. 261; in effect immediately.*]

1791. *Powers of city boards of examination.* Each city board of examination has power, —

First. To adopt rules and regulations, not inconsistent with the laws of this state, for its own government and for the examination of teachers.

Second. To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to receive, — 1. A high school certificate, valid for six years, and authorizing the holder to teach any primary, grammar, or high school in such city; 2. A city certificate, grammar grade, valid for six years, authorizing the holder to teach any primary or grammar school in such city; 3. A city certificate, primary grade, valid for two years, authorizing the holder to teach any primary school in such city. They shall report the result of the examination to the city board of education; and said board of education shall thereupon issue to the successful candidates the certificates to which they shall be entitled.

Third. To recommend applicants for special certificates, valid for a period not to exceed six years, upon such special studies as may be authorized by the city board of education of such city.

Fourth. For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the city board of education the revocation of any certificates previously granted by said board of education in such city, or city and county. [*Amendment approved March 23, 1893; Stats. 1893, p. 262; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 163.

1792. *City certificates.* City or city and county boards of examination may also recommend the granting of city certificates, and the renewal thereof, in the manner provided for the granting and renewal of county certificates by the county board of education in section one thousand seven hundred and seventy-five of this code. [*Amendment approved March 23, 1893; Stats. 1893, p. 262; in effect immediately.*]

The original section was also amended March 20, 1891 (Stats. 1891, p. 164), as follows: —

The city board of examination may also, without examina-

[illegible], grant city certificates, and fix the grade thereof, to the holders of California life diplomas, California, Nevada, and Oregon educational diplomas, California state normal school diplomas, California State University diplomas when recommended by the faculty of the university, San Francisco normal [illegible] diplomas when recommended by the superintendent of public schools, certificates granted in other cities, counties, [illegible] and [illegible] of California, and the life diplomas [illegible] school diplomas of other states, and may [illegible] examination, renew and for immoral or unprofessional [illegible] profanity, intemperance, or evident unfitness [illegible] any certificates previously granted [illegible] city, or city and county.

1793. *Eligibility of holders of city certificates.* The holders of city certificates are eligible to teach, in the cities in which such certificates were granted, in schools of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this act, duly ascertained and approved by the board of education of said cities, and city superintendents of public schools elected by city boards of education shall be elected for a term of four years, and said city boards of education shall have full power to fix the salary of all employees. The holders of special city certificates are eligible to teach the special studies mentioned in their certificates in all the schools in the city in which such certificates were granted. [*Amendment approved March 23, 1893, Stats. 1893, p. 262, in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 164.

Dismissal of teacher. 82 Cal. 483.

Restoration of dismissed teacher—Mandamus: 82 Cal. 483.

Transfer of teacher. 82 Cal. 483.

1817. *County superintendent to estimate school fund required.* The county superintendent of each county having a population of less than two hundred thousand inhabitants must, on or before the first regular meeting of the board of supervisors in September in each year, furnish the supervisors and *the auditor, respectively,* an estimate, *in writing, of the minimum amount of county school fund needed for the ensuing year. This amount he must compute as follows:—*

First. He must ascertain, in the manner provided for in subdivisions one and two of section eighteen hundred and fifty-eight, the total number of teachers for the county.

Second. He must calculate the amount required to be raised, at five hundred dollars per teacher. From this amount he must deduct the total amount of state apportionments, and the remainder shall be the minimum amount of county school fund needed for the ensuing year; *provided*, that if this amount is less than sufficient to raise a sum equal to six dollars for each census child in the county, then the minimum amount shall be such a sum as will be equal to six dollars for each census child in the county. [*Amendment approved March 23, 1893; Stats. 1893, p. 263; in effect immediately.*]

1818. *An act to provide for the levy and collection of taxes by and for school districts, except in municipal corporations of the first class.*

[Approved February 14, 1891; Stats. 1891, p. 4.]

SECTION 1. In all cases where the board of school trustees, board of school directors, board of education, or other governing board of any school district in this state, except in municipal corporation of the first class, has or may hereafter have power to raise money by taxation without a vote of the people of the school district, in addition to the funds provided by state and county for school or educational purposes, such money shall be raised and such taxes shall be levied and collected in the manner following, to wit: The board of trustees, directors, or board of education shall, within the limits fixed by law, estimate the amount of money to be so raised by taxation, and required by their respective districts for school purposes during the year next ensuing, which year shall begin on the first Monday of January, at twelve o'clock, M. Said meeting for such purpose shall be held between the first and the twentieth day of September in each year; said estimate, showing the amount and for what purpose the same is to be used, shall be entered upon the records of the board making the same, and signed by a majority of said board, and attested by the clerk or secretary of said board. Said clerk or secretary shall immediately furnish to the board of supervisors of the county in which such district is situated a copy of said record containing such estimate, which shall show the name of the district, the amount of money to be raised, and the purposes for which it is to be used.

SEC. 2. The board of supervisors, upon receipt of such estimate, must, at the time of levying the county taxes, levy a tax upon all the taxable property in the school district requiring such money sufficient to raise the amount; the rate of taxa-

[illegible] shall be ascertained by deducting fifteen per cent for an- [illegible] from the aggregate assessed value of [illegible] as it appears on the assessment [illegible] to be raised by [illegible] of said aggregate assessed value. The taxes so [illegible] on the assessment roll [illegible] at the same time and in [illegible] as state and county taxes, and when col- [illegible] paid into the county treasury for the use of [illegible] for which said money was collected. The county [illegible] and pay out such moneys to the dis- [illegible] in the same manner as other school [illegible] are paid out by such treasurer.

[illegible] and parts of acts in conflict with this act are [illegible] repealed.

1830. *Election for a tax for additional school facilities.* The board of school trustees of any district may, prior to the [illegible] day of August in any year, when, in their judgment, it is advisable, call an election, and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school-houses, or for any two or all [illegible] purposes; *provided*, that where a tax has been collected for the purpose of building a school-house, and the erection of said school-house shall not have been commenced within two years from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected. [*Approved March 23, 18[illegible]; Stats. 18[illegible], p. 263; in fact immediately.*]

An act to enable school districts in cities of the fifth class, and [illegible] a portion of which is [illegible] of the fifth [illegible] for the purpose of raising [illegible] school [illegible] the grounds, and for [illegible] for such purposes, and to repeal an act [illegible] March 23, 18[illegible] entitled 'An act to enable cities of the [illegible] for the purpose of raising money to purchase [illegible] and for building or purchasing one or more [illegible] and supplying the same with furniture necessary [illegible] the grounds and for [illegible] any [illegible] for such purposes.'

[*Approved March 23, 18[illegible]; Stats. 18[illegible], p. 292.*]

Section 1. The board of education of any school district in [illegible] the fifth class, or of any school district which em-

braces territory a portion of which is without such city of the fifth class, may, when, in their judgment, it is advisable, and must when requested by the board of trustees of such city, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

SEC. 2. Such election must be called by posting notices, signed by the board of education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices, in some newspaper published in such city, not less than once a week for three successive weeks.

SEC. 3. Such notices must contain, —

1. The time and place of holding such election.

2. The names of one inspector and two judges in each voting precinct in said district, to conduct the same.

3. The hours during the day, not less than six hours, in which the polls will be open.

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

SEC. 4. Such election shall be held, in all respects as nearly as practicable, in conformity with the general election law; *provided*, that no particular form of ballot shall be required, excepting that the words to appear on the ballots, which shall be "Bonds — Yes," or "Bonds — No"; nor shall any informalities, not amounting to fraud, in conducting such election, invalidate the same.

SEC. 5. On the seventh day after said election, at one o'clock, P. M., the returns having been made to the board of education, the board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county in which said district is located the proceedings had in the premises; and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district (naming the same), and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district as shown by the last equalized assessment of the property in such school district.

SEC. 6. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when

[illegible] or any part of the principal of said bonds shall be [illegible], which shall not be more than ten years from the date [illegible].

[illegible] Said bonds must be payable in gold coin of the [illegible] States, must be signed by the president of the board [illegible] and countersigned by the clerk of the county, [illegible] affix the [illegible] seal thereto, must not bear a [illegible] of interest than eight per cent, said interest to be [illegible] in like gold coin, and said bonds must [illegible] manner prescribed by the board of supervisors, [illegible] not less than par in gold coin of the United States, [illegible] proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said [illegible] and be drawn out for the purpose aforesaid as [illegible] moneys are drawn out.

[illegible] The board of supervisors, at the time of making the [illegible] taxes for county purposes, must levy a tax for that [illegible] the taxable property in such district for the interest [illegible] of said bonds, and such tax must not be less [illegible] to pay the interest of said bonds for that year, [illegible] portion of the principal as is to become due during [illegible] year, and in any event must be high enough to raise [illegible] for the first half of the term said bonds have to run, a [illegible] sum to pay the interest thereon, and during the balance of the term high enough to pay such annual interest, [illegible] pay, annually, a proportion of the principal of said [illegible] equal to a sum produced by taking the whole amount [illegible] bonds outstanding and dividing it by the number of [illegible] said bonds then have to run, and all moneys so levied, [illegible] collected shall be paid into the county treasury to the [illegible] the building fund of such district and be used for [illegible] payment of principal and interest on said bonds, and for [illegible] purpose. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the [illegible], out of the fund provided therefor, and it shall be [illegible] of the auditor to cancel and file with the treasurer [illegible] and coupons as rapidly as they are paid.

[illegible] If the board of supervisors of any county in which [illegible] district has issued bonds under the provisions of [illegible] shall fail to make the levy necessary to pay such bonds [illegible] coupons at maturity, and the same shall have been [illegible] to the county treasurer, and the payment thereof [illegible], the owner may file the bonds, together with all unpaid coupons, with the state controller, taking his receipt thereof, and the same shall be registered in the state controller's office, and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said district a sufficient rate to take the amount of principal and interest past due prior to the next [illegible], and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of *such district bond tax*, and shall be paid by *warrants, as the payments mature, to the holder of such registered obligations, as shown by the register* in the

office of the state controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the treasurer of the county in which is situated the district by which such bonds were issued, and shall be placed by the county treasurer to the credit of the general school fund of said district.

SEC. 10. The act approved March thirty-first, eighteen hundred and ninety-one, entitled "An act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," is hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

The act of March 31, 1891, repealed by the above statute, is as follows: —

An act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

[Approved March 31, 1891; Stats. 1891, p. 264.]

SECTION 1. The board of education of any school district in a city of the fifth class may when in their judgment it is advisable, and must when requested by the board of trustees of such city, call an election, and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

SEC. 2. Such election must be called by posting notices, signed by the board of education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices, in some newspaper published in such city, not less than once a week for three successive weeks.

SEC. 3. Such notices must contain, —

1. The time and place of holding such election.
2. The names of three judges to conduct the same.
3. The hours during the day (not less than six hours) in which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

SEC. 4. Such election shall be held, except as otherwise provided in this act, in conformity with sections eighteen hundred and thirty-three, eighteen hundred and thirty-four, and

eighteen hundred and thirty-two of the Political Code except-ing the words to appear upon the ballots, which shall be "Bonds — Yes," or "Bonds — No."

[illegible] on the seventh day after said election at one o'clock, [illegible] returns having been made to the board of education, the board must then and there canvass said returns, and if it appears that a majority of the votes cast at said election was in favor of issuing said bonds, then the board shall cause an entry of the same to be made upon its minutes, and shall certify to the board of trustees of said city all the proceedings had in the premises, and thereupon said board of trustees shall be and they are hereby authorized and directed to issue the bonds of said district to the number and amount provided in such proceedings, payable out of the building fund of such district [illegible] be created), and that the moneys shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; provided, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district as shown by the last equalized assessment book of the city.

SEC. 3. The board of city trustees, by an order entered upon its minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the date when the whole or any part of the principal of said bonds shall be payable, which shall not be more than ten years from the date thereof.

SEC. 4. Said bonds must not bear a greater rate of interest than eight per cent, said interest to be payable annually, and at such time and place as shall be prescribed by the board of trustees, but for not less than par, and the proceeds of the sale thereof must be deposited in the city treasury to the credit of the building fund of said school district, and be drawn therefrom for the purpose aforesaid as other school moneys are drawn out.

SEC. 5. The board of city trustees at the time of making the annual tax levy for city purposes must levy a tax for that year upon the taxable property in said district sufficient for the interest on said bonds, and such taxes must be collected and paid into the interest fund to pay the interest on said bonds as it shall become due; and a certain portion of the principal must be [illegible] each year, and of a sum at least high enough to pay, for the first one-half of the term said bonds have to run, the interest thereon, and for the last one-half of the term high enough to pay said interest and a certain portion of the principal; and the amount to be raised by taxation for the payment of the principal of said bonds each year must be such that the whole issue of bonds will be paid before the expiration of the time for which they were issued. The moneys so raised by taxation for the payment of the principal and interest of said bonds must be used for the payment of such principal and interest on said bonds and for no other purpose. *The principal and interest on said bonds shall be paid by the city treasurer, upon the warrant of the president of the board of trustees, countersigned by the city clerk, out*

of the fund provided therefor; and it shall be the duty of the city clerk to cancel and file with the treasurer the bonds and coupons as rapidly as they are paid.

SEC. 9. If the board of trustees of any city which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the city treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, take his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said district a sufficient rate to raise the amount of principal or interest past due prior to the next levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the city treasurer of the city by which such bonds were issued, to be applied towards the payment of principal or interest of any school bond then outstanding against said district; if there be no such outstanding bonds, then such balance shall be placed by the city treasurer to the credit of the general school fund of said district.

SEC. 10. This act shall take effect and be in force from and after its passage.

1833. *How election to be conducted.* The election shall be conducted in conformity to the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, and one thousand six hundred and one of the Political Code; *provided*, that no particular form of ballot shall be required, nor shall any informalities in conducting such election invalidate the same, if the election shall have been otherwise fairly conducted. [*Amendment approved March 23, 1893; Stats. 1893, p. 263; in effect immediately.*]

1835. *Certificate of election officers.* If a majority of the votes cast upon the question of the tax levy are "Tax — Yes," the officers of the election must certify the fact to the board of school trustees. [*Amendment approved March 23, 1893; Stats. 1893, p. 264; in effect immediately.*]

to prepare them for passing examination to obtain teachers' certificates, or who shall give special instruction to any person preparing for examination to obtain a teacher's certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof, his office shall be declared vacant. No certificate shall be issued to any applicant who has received special instructions, when preparing for examination, from any member of a county board of education, or of a city board of examination. [*Amendment approved March 23, 1893; Stats. 1893, p. 261, in effect immediately.*]

1787. *City board of examination.* In every city or city and county of the first, second, or third class, having a board of education, there may be a city board of examination. [*Amendment approved March 23, 1893; Stats. 1893, p. 261, in effect immediately.*]

1788. *How elected.* Each city board of examination shall consist of the city superintendent of schools, and four other members, residents of such city, all of whom shall be experienced teachers, elected by the city board of education, and holding office for two years. [*Amendment approved March 23, 1893, Stats. 1893, p. 261; in effect immediately.*]

1790. *Meetings.* The city board of examination must meet and hold examinations for the granting of teachers' certificates semi-annually, at such times as they may determine. They may also hold monthly meetings for the transaction of such business as may come before them. Special meetings may be called by the city superintendent when, in his judgment, the same are necessary; and on the request, in writing, of any three members of the board, the city superintendent shall call a special meeting. No business shall be transacted at any special meeting except such as is indicated in the call therefor; and of all special meetings due notice shall be given to each member of the board. The place of meeting shall be designated by the chairman. All meetings of the city board of examination shall be public, and the record of their proceedings shall be kept in the office of the city superintendent of schools. [*Amendment approved March 23, 1893, Stats. 1893, p. 261; in effect immediately.*]

authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

Second. He must ascertain the total number of teachers for the county, by adding together the number of teachers assigned to the several districts.

Third. Five hundred dollars shall be apportioned to each district for every teacher assigned to it; *provided*, that to districts having ten and less than twenty school census children, shall be apportioned four hundred dollars; *provided further*, that to districts having over seventy school census children and a fraction of less than twenty, there shall be apportioned twenty dollars for each census child in said fraction.

Fourth. All school money remaining on hand after apportioning to the districts the moneys provided for in subdivision three of this section must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year. Census children, wherever mentioned in this chapter, shall be construed to mean those between the ages of five and seventeen years.

Fifth. Whenever, in any school year, prior to the receipt by the counties, cities, or cities and counties, of this state, of their state, county, or city school fund, the school districts or cities shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county superintendent shall give the treasurer of said county, city, or city and county an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate, it shall be the duty of the treasurer of said county, city, or city and county to transfer from any fund not immediately needed to pay claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be retransferred

by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer. [*Amendment approved March 23, 1893, Stats. 1893, p. 264, in effect immediately.*]

Rights of district in state school money: 97 Cal. 69.

1861. *Purposes for which state school fund may be used.* The state school fund must be used for no other purpose than the payment of the salaries of teachers of primary and grammar schools. [*Amendment approved March 23, 1893, Stats. 1893, p. 264, in effect immediately.*]

1874. *Rules for adoption of text-books.* In the adoption of text-books, all county, city, and city and county boards of education shall be governed by the following rules:—

First. Any books hereafter adopted as a part of a uniform series of text-books must be continued in use for not less than four years.

Second. No change of text-books must be made at any other time than in the months of May or June of the year in which the change is made, and no changes shall be made to take effect till the beginning of the school term commencing after the thirtieth day of June of that year; and no books other than those published by the state shall be adopted by the board of education of any county, city, city and county, or be used as text-books in any of the public schools of this state in the subjects of reading, orthography, English grammar, arithmetic, geography, United States history, physiology, and civil government.

Third. At least sixty days' notice of any proposed change in text-books must be given by publication in a newspaper of general circulation, published in the county, if there be one, in which such change is to be made. If there be no newspaper published in the county, then such publication shall be made in any newspaper having a general circulation in the county. A copy of the newspaper containing such publication, with such notice marked, must, immediately after the first publication thereof, be by the secretary of the board transmitted to the state board of education, *and the same, when received, must be kept by the secretary of said state board. Said notice* shall

state what text-books it is proposed to change; that sealed bids or proposals will be received by the board for furnishing books to replace them; the place where and the day and hour when all bids or proposals will be opened, and that the board reserves the right to reject any and all bids or proposals. Said notice shall be published in such newspaper as often as the same shall be issued after the first publication thereof.

Fourth. At the time and place specified in said notice, the board shall meet and publicly open and read all of the bids or proposals which have been received by them, and shall make their awards thereon within ten days thereafter.

Fifth. Said bids or proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the wholesale and retail price at which the publisher agrees to furnish each book within the county, or at San Francisco, during the full time for which said books are to be adopted.

Sixth. If no satisfactory bids or proposals are received, then the books already in use may continue in use until changed, as herein provided.

Seventh. The publisher or publishers whose proposals shall be accepted must enter into a written contract with the board of education making the award, and shall give a good and sufficient bond, in a reasonable sum, to be fixed by the board of education, for the faithful performance thereof. Publishers of books already in use may bid, under the provisions of this section, as well as others, and such bids, if satisfactory, may be accepted by the board.

Eighth. High schools shall be exempt from the provisions of this section.

Ninth. Nothing in this act shall conflict with any provision of law relating to the state series of text-books; nor shall anything be construed to permit the adoption of any text-books upon any subject covered by the state series of books. [*Amendment approved March 23, 1893, Stats. 1893, p. 264; in effect immediately.*]

1877. *Duty of state printer.* All printing or binding required under this chapter, except as provided in subdivision eight of section one thousand seven hundred and

seventy-one, must be executed by the state printer, in the form and manner and at the prices of other state printing, and be paid for in like manner. [*Amendment approved March 23, 1881; Stats. 1881, p. 264, in effect immediately.*]

1879 *Bribing members of board a misdemeanor.* The offering of any valuable thing to any member of a board of education, or board of school trustees, with the intent thereby to influence his action in regard to the granting of any teacher's certificate, the appointment of any teacher, superintendent or other officer or employee, the adoption of any text-book, or the making of any contract to which the board of education of which he is a member shall be a party, or the acceptance by any member of a board of education or board of school trustees of any valuable thing, with corrupt intent, shall be a misdemeanor, punishable as by law provided. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with an offense described in this section. Any contract or appointment obtained from a board of education or board of school trustees by corrupt means shall be void. [*Amendment approved March 24, 1881, Stats. 1881, p. 266; in effect immediately.*]

1880 *Election for determining the issuance of bonds.* The board of trustees of any school district may when in their judgment it is advisable, and must upon petition of a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money for purchasing school lots, for building or purchasing one or more school-houses, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, and for liquidating any indebtedness already incurred for said purposes. [*Amendment approved March 27, 1874, Stats. 1873, p. 267, in effect immediately.*]

1882 *Notice.* Such notice must contain,

1. The time and place of holding such election.
2. The names of the inspector and judges to conduct the same.

3. The hours during the day in which the polls will be open.

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run. [*Amendment approved March 23, 1893; Stats. 1893, p. 267; in effect immediately.*]

1883. *How election conducted.* Such election shall be conducted in conformity to the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, one thousand six hundred and one, and one thousand eight hundred and thirty-four, except that the words to appear upon the ballots shall be "Bonds — Yes" or "Bonds — No." [*Amendment approved March 23, 1893; Stats. 1893, p. 267; in effect immediately.*]

1912. *National guard not to exceed twenty companies.* The organized uniformed militia of the state of California are known as the national guard of California. This force shall not exceed seventy companies, of which there may be one light battery and one troop of cavalry in each brigade, and must be located throughout the state with reference to the military wants thereof, means of concentration, and other military requirements. [*Amendment approved March 9, 1893; Stats. 1893, p. 104.*]

An act to establish a naval battalion, to be attached to the national guard of California.

[Approved March 1, 1893; Stats. 1893, p. 62.]

SECTION 1. There shall be allowed, in addition to the companies of the organized uniformed militia known as the national guard of California, provided for in section nineteen hundred and twelve of an act entitled "An act to establish a Political Code,' approved March twelfth, eighteen hundred and seventy-two, relating to the national guard of California, not more than four companies of naval militia, which shall constitute a battalion, to be known as the naval battalion of the national guard.

SEC. 2. The battalion shall be commanded by a lieutenant-commander. Each company shall be commanded by a lieutenant, and shall contain one lieutenant, junior grade, two ensigns, and eighty petty officers and men.

SEC. 3. The staff officers of the battalion shall consist of one adjutant, one ordnance officer, one paymaster and one surgeon each with the rank of lieutenant, junior grade also, one assistant surgeon and one assistant ordnance officer each with the rank of ensign. All such officers shall be appointed and commissioned as staff officers upon the staff of a colonel commanding a regiment in the national guard are appointed and commissioned.

SEC. 4. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform as nearly as may be to that of the navy of the United States as it now is or may hereafter be prescribed by Congress. When and otherwise provided for the government of the naval militia shall be controlled by the provisions of the Political code relating to the national guard of California and the governor shall have power to alter, divide, assign, consolidate or disband the same whenever in his judgment the efficiency of the state forces will thereby be increased and he shall have power to make such rules and regulations as may be deemed proper for the due government and instruction of the naval militia but such rules and regulations shall conform to the provisions of this act, and as nearly as practicable to those governing the United States navy.

SEC. 5. When the government of the United States is ready to supply arms and equipments as well as material and opportunities for naval instruction and drill the governor is hereby authorized to make the necessary arrangements for carrying the provisions of this act into effect. The duty of the naval militia required by law or any part of it may be performed [illegible] United States vessels. Officers and men of the naval militia mustered temporarily into the service of the United States for instruction and drill, and receiving compensation therefor from the United States, shall not during the same term be entitled to compensation from the state.

SEC. 6. The governor is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors in the art of naval warfare.

SEC. 7. The rank of officers given in the preceding sections is naval rank and corresponds to rank in the national guard of the state as follows: Lieutenant-commander with major, lieutenant with captain, lieutenant junior grade with lieutenant, ensign with second lieutenant.

SEC. 8. The naval militia shall receive the same allowance from the state as is allowed the infantry battalions and companies.

SEC. 9. Any and all parts of chapter one hundred and seventy-six, entitled "An act to establish a naval battalion, to be attached to the national guard of California," that may conflict with this act, are hereby repealed.

SEC. 10. This act shall take effect immediately.

The statute referred to in section 9 of the above act is the act of March 31, 1891, and is as follows:

An act to establish a naval battalion, to be attached to the national guard of California.

[Approved March 31, 1891; Stats. 1891, p. 258.]

SECTION 1. There shall be allowed, in addition to the companies of the organized uniformed militia known as the national guard of California, provided for in section nineteen hundred and twelve of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the national guard of California, not more than four companies of naval militia, which shall constitute a battalion, to be known as the naval battalion of the national guard.

SEC. 2. The battalion shall be commanded by a lieutenant-commander. Each company shall be commanded by a lieutenant, and shall contain one lieutenant, junior grade, two ensigns, and eighty petty officers and men.

SEC. 3. The staff officers of the battalion shall consist of an adjutant, one ordnance officer, and one paymaster, selected from the lieutenants, junior grade, of the battalion, and one surgeon, with the rank of lieutenant, junior grade.

SEC. 4. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States as it now is or may hereafter be prescribed by Congress. When not otherwise provided for, the government of the naval militia shall be controlled by the provisions of the Political Code relating to the national guard of California, and the governor shall have power to alter, divide, annex, consolidate, or disband the same whenever, in his judgment, the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia; but such rules and regulations shall conform to the provisions of this act, and as nearly as practicable to those governing the United States navy.

SEC. 5. When the government of the United States is ready to supply arms and equipments, as well as material and opportunities for naval instruction and drill, the governor is hereby authorized to make the necessary arrangements for carrying the provisions of this act into effect. The duty of the naval militia required by law, or any part of it, may be performed afloat in United States vessels. Officers and men of the naval militia mustered temporarily into the service of the United States for instruction and drill, and receiving compensation therefor from the United States, shall not, during the same term, be entitled to compensation from the state.

SEC. 6. The governor is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors in the art of naval warfare.

SEC. 7. The rank of officers given in the preceding sections is naval rank, and corresponds to rank in the national guard

[illegible] inspector-general of this province, general, with the rank of colonel, and sixteen [illegible], with the rank of lieutenant-colonel, ap- and holding office at the pleasure of the com- chief, or until their successors are appointed d. [*Amendment approved March 17, 1891; p. [illegible]*]

Service uniforms only to be purchased. All after appropriated for the purchase of un- ipments shall be devoted entirely to the pur- ice uniforms and necessary equipments, which ame as worn by similar corps in the United and nothing further shall be expended upon ms or equipments. Any regiment, unattached unattached company may, however, adopt, approval of the commander-in-chief, a dis- uniform and equipments, which may be occasions, unless otherwise ordered; but the providing and maintaining such uniforms and shall be borne entirely by the organization so

There shall be a board, to consist of the quar- eral, division quartermaster, brigade quar- al regimental quartermasters, which board m time to time, but at least once in each [illegible] and recommending to

United States; and no military organization provided for by the constitution and laws of the state, and receiving state support, shall, while under arms, either for ceremony or duty, carry any device, banner, or flag of any state or nation, except that of the United States or the state of California. [*Amendment approved March 9, 1893; Stats. 1893, p. 104.*]

1945. *Service medals.* The state shall provide a bronze service medal, with a bronze bar attached thereto, for ten years' active service; for fifteen years' active service, a silver bar shall be attached; and for twenty years' active service, a gold bar shall be attached to the same medal. There shall be no other or different medals for service. [*New section added March 9, 1893; Stats. 1893, p. 108.*]

1957. *Commanders of batteries.* Commanders of batteries not attached to regiments, and unattached companies, have the same authority with non-commissioned officers as is herein conferred upon commanders of regiments and battalions. [*Amendment approved March 17, 1891; Stats. 1891, p. 122.*]

1959. *Oath and term of enlistment.* All enlisted men, on entering the national guard, must take the prescribed oath, and join for not less than three years' service; *provided*, that any man having served one enlistment satisfactorily may re-enlist for one, two, or three years, at his option. [*Amendment approved March 9, 1893; Stats. 1893, p. 104.*]

This section was amended in 1891: Stats. 1891, p. 123.

1970. *Annual inspection.* There must be an annual inspection and muster of all the troops of the national guard in the month of March, each year, by brigade, regiment, battalion, or company, as may be deemed advisable by the brigade commander; and the commanding officer of each company must take out and certify triplicate muster rolls, showing the names and numbers of the members of the company, the officers in the order of their rank, and the privates in alphabetical order. He must transmit, through the proper military channels, one copy of the roll and list attached to the major-general, one copy

to the brigadier-general of his brigade, and one copy to the adjutant-general. [*Amendment approved March 17, 1891. Stats. 1891, p. 122.*]

An act to authorize the acquisition, by donation, of a site or sites for camps of instruction for the national guard of the state of California, and to improve the same.

[Approved March 9, 1893; Stats. 1893, p. 123.]

Section 1. The adjutant general, major-general, and the several brigadier-generals of the national guard of the state of California are hereby appointed commissioners for the purpose of [illegible] sites for camps of instruction for the national guard of the state of California.

Sec. 2. After the selection of such site by the commissioners named in the preceding section and their action meeting the approval of the governor, the said commissioners shall have the power to procure, by donation, any site or sites so selected for camps of instruction. The deeds therefor shall be duly executed to the people of the state of California, and delivered to the controller, after examination and approval by the attorney-general.

Sec. 3. Said commissioners shall also have power to make such improvements on the grounds and the approaches thereto, erect such buildings thereon as will put the property so acquired in a condition suitable for the reception of organizations of the national guard ordered to camps of instruction. The said commissioners are also charged with making such further buildings and alterations as may from time to time be necessary.

Sec. 4. This act shall take effect immediately.

1973. *Retired from disability.* 1. Any commissioned officer who has become disabled, and incapable of longer performing the active duties of his office, may, upon his own application, be placed upon the retired list; *provided*, that such disability may have been incurred while in the performance of duty.

2. If an officer, for either of the above reasons, desires to be placed upon the retired list, he shall make application to the brigade commander to appoint a board of surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any [illegible], they shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the brigade commander and the commander-in-chief, the adjutant-general *shall issue* orders *retiring such officer.*

3. Any commissioned officer who shall have served as such in the national guard of this state for a continuous period of eight years, or for a period not continuous of ten years, may, upon his own application, be placed upon the retired list, and withdraw from active service and command with the rank held by him at the time such application is made. Upon application duly made and approved, the commander-in-chief shall cause orders to be issued retiring the officer who makes application thereof, in accordance with the provisions of this section.

4. The officers on the retired list shall only be subject to detail for duty by orders from the commander-in-chief, and he shall cause to be issued such orders as he may deem necessary, detailing men for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are detailed for active duty, other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office the duties of which they are detailed to perform. When the duty ends or the detail is canceled, the officer shall again return to the retired list with his former retired rank. A roster of all officers on the retired list shall be kept in the adjutant-general's office, division headquarters, and at the brigade headquarters.

5. Officers on the retired list shall, on all occasions of duty and all occasions of ceremony, take rank next to officers of like rank upon the active list. [*Amendment approved March 9, 1893; Stats. 1893, p. 105.*]

This section was also amended March 17, 1891: Stats. 1891, p. 123.

1980. *Signal corps.* Each brigadier-general commanding a brigade, with the consent of the commander-in-chief, may muster in and attach to it a signal corps, consisting of not to exceed ten members for each regiment in his brigade. Said signal corps shall be under the direct command of the signal officer upon the staff of the brigadier-general commanding the brigade in which it is organized; and there shall be no other signal corps in the

national guard, except as herein provided. Signal corps entered in in accordance herewith shall be officered as follows: Where the corps consists of ten men, and less than forty, it shall have one first lieutenant, two sergeants, and four corporals. In all corps of forty or more members in number, there shall be one captain, one first lieutenant, three sergeants, and six corporals. All captains and lieutenants in the signal corps shall be elected by the members of their respective corps; shall qualify and be commissioned in all respects as other commissioned officers of the line of the national guard are. All sergeants and corporals shall be appointed by their respective brigade commanders, upon recommendation of the signal officer in command of the corps. In signal corps when for drills or in the performance of duty it shall be mounted in whole or in part, there shall be allowed the same per diem for horses as is or may be allowed for cavalry horses. In all other respects the provisions of this code relating to insurance shall govern and control said signal corps whenever applicable. [*Amendment approved March 17, 1891, Stats. 1891, p. 125.*]

1981. *Hospital and ambulance corps for each brigade.* Each brigadier general commanding a brigade, with the consent of the commander-in-chief, may muster in and attach to it a hospital and ambulance corps, consisting of not to exceed six men for each regiment in his brigade. Such corps shall have such commissioned and non-commissioned officers as the commander-in-chief shall prescribe, and shall report directly to the brigade commander, who shall appoint such non-commissioned officers as may be prescribed. When for drill, or in the performance of duty, any expense shall be incurred by any such corps, such expense shall be paid by the state; *provided*, that the same shall have been first authorized by the commanding officer of the brigade, afterward approved by such commanding officer and superior officers, as provided by law in the case of other commands. [*New section added March 9, 1891, Stats. 1891, p. 109.*]

1982. *Regiment — Battalions.* *A regiment of the national guard consists of not less than six nor more than*

twelve companies. Any less number of companies than six constitute a battalion. Each regiment of not more than ten companies shall be divided into two battalions, and if more than ten companies, into three battalions, as the commanding officer of the regiment shall direct. [*Amendment approved March 9, 1893; Stats. 1893, p. 105.*]

1984. *Field officers.* The field officers of a regiment are one colonel, one lieutenant-colonel, and one major for each battalion. The field officers of a battalion, when composed of less than six companies and more than three, are one lieutenant-colonel and one major; when composed of two or three companies, then one major only. [*Amendment approved March 9, 1893; Stats. 1893, p. 106.*]

1990. *Staff of colonel or officer commanding regiment or battalion.* The staff of a colonel and lieutenant-colonel, or major, commanding a regiment or battalion consists of one adjutant, with the rank of captain; and if a regiment, of one adjutant, with the rank of first lieutenant, for each battalion; one quartermaster, one commissary, one paymaster, one inspector of rifle practice, and one ordnance officer, each with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon, with the rank of captain; one chaplain, with the rank of captain; one sergeant-major, one principal musician, one quartermaster-sergeant, one commissary sergeant, one ordnance sergeant, one hospital steward, two color sergeants, and a battalion sergeant-major, for each battalion of a regiment, and one drum major; all of whom shall be appointed by such commanding officer and hold office at his pleasure, or until their successors are appointed and qualified. [*Amendment approved March 9, 1893; Stats. 1893, p. 106.*]

This section was also amended in 1891: Stats. 1891, p. 124.

1992. *Field music.* Commanders of regiments, battalions, and unattached companies may concentrate the drummers, fifers, and trumpeters of their respective commands, and organize the same, under the principal musician, as the field music of their respective commands. [*Amendment approved March 9, 1893; Stats. 1893, p. 106.*]

2003. *Organization into brigades.* The national guard of this state is organized into six brigades, each commanded by a brigadier general, as follows. —

First brigade: San Diego, Orange, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura counties.

Second brigade: Santa Cruz, Santa Clara, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Napa, San Benito, Monterey, and Lake counties.

Third brigade: San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Inyo, Kern, and Tulare counties.

Fourth brigade: Sacramento, Solano, Yolo, Sutter, El Dorado, Alpine, Amador, Placer, and Nevada counties.

Fifth brigade: Butte, Plumas, Lassen, Colusa, Glenn, Yuba, Tehama, Shasta, Trinity, Siskiyou, Sierra, and Modoc counties.

Sixth brigade: Mendocino, Humboldt, and Del Norte counties. [*Amendment approved March 9, 1893; Stats. 1893, p. 106.*]

2004. *Division.* The six brigades of the national guard compose a division, commanded by a major-general. [*Amendment approved March 9, 1893; Stats. 1893, p. 107.*]

2022. *Annual encampment.* The commander-in-chief shall annually order an encampment for discipline and drill, either by division, brigade, regiment, battalion, or unattached company; and every division, brigade, regiment, battalion, or unattached company assembled and encamped, under order of the commander-in-chief, for not less than seven days shall receive from the state transportation to and from its place of encampment; and, in addition, a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate of such last-mentioned allowance, one dollar and twenty-five cents per day, shall not exceed the sum of four hundred dollars per company; *and provided further*, that when a division or brigade is regularly assembled and encamped for discipline and drill for not less than seven days, then, in addition to the above allowance, each general officer and staff officer on the

general staff shall receive from the state the sum of one dollar and twenty-five cents per day while regularly on duty in such camp; *and provided further*, that in any camp held in pursuance of orders from the commander-in-chief, all mounted officers and enlisted men shall likewise receive an additional sum of two dollars per day for each horse necessarily used by them at such encampment. [*Amendment approved March 17, 1891; Stats. 1891, p. 124.*]

2027. *Uniforms and equipments.* Companies already organized may wear uniforms and equipments now in use until supplied by the state with the "service" uniforms and equipments, after which no uniforms and equipments other than those so supplied shall be worn, except that a dress uniform may be worn, as provided in section one thousand nine hundred and twenty-three of this code. No money of the state must be used or applied to the purchase of the uniforms and equipments other than those in this section mentioned. All non-commissioned officers, musicians, and privates of a company, or of a general, brigade, regimental, or battalion staff, the members of the signal corps, and of the hospital and ambulance corps, and of regularly organized and enlisted bands (which bands shall not exceed in number twenty-five each), shall be furnished with "service" uniforms and equipments at the expense of the state. Such uniforms and equipments shall be issued to the commanders of the general staffs of brigades, regiments, battalions, and companies, upon requisition, in such form as may be prescribed. The "service" uniform and equipments shall be issued to the several organizations of the national guard, upon requisition of the proper officer. The commanding officer of each organization shall be responsible for the keeping and return of all uniforms and other military property committed to his charge. Each commanding officer who shall receive uniforms or equipments, or portions of uniforms or equipments, for the use of his command, shall distribute the same to his command as he shall deem proper. The "service" uniform and equipments shall be furnished, as aforesaid, by a board, which is hereby provided, to consist of the quartermaster-general and of two commissioned *officers, to* be appointed by the commander-in-

paid as are other military demands. This board
fix the maximum price or cost of the cloth, and
and the quality thereof, and the maximum price
of the making of each article of uniform, and shall
upon proper requisition of brigade, regiment, un-
battalion, or unattached company, to draw the
instead of the cloth, or the cost of its making, or
and provide itself with a corresponding number of
of uniform; *provided*, that the bills therefor shall
allowed, and paid as other military demands.
ment approved March 9, 1893; Stats. 1893, p. 107.]

Pay and allowance for active duty. Officers and
while on active duty in the service of the state
ceive the same pay and allowance as the officers
ates in the United States army, of similar grade,
on the Pacific coast; *provided*, that said pay shall
less than two dollars per day, the same to be
by the board of military auditors, upon the pay-
perly made up and signed by such officers; *and*
further, that no pay shall be allowed to any offi-
private when on duty in any camp mentioned in sec-
thousand and twenty of this act. [*Amendment*
March 17, 1891; Stats. 1891, p. 124.]

There

sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid, out of the same appropriations, to the commanding officer of each regiment or battalion, the sum of seven dollars and fifty cents per month for each company in his command, for clerical expenses, stationery, printing, and postage; and if the regiment or battalion has more than four companies, and has attached to it an organized and uniformed band of not less than twenty people, the additional sum of thirty-five dollars per month for such band; to each brigadier-general, five dollars per month for each company in his command; and to the major-general, six hundred dollars per annum; and to each company, a sum necessary for uniforms, and to keep the same in repair, not to exceed one hundred and fifty dollars per annum; and to the adjutant-general, three thousand five hundred dollars per annum, to be expended by him in promoting rifle practice. There shall also be paid from the military appropriations of the state a sum not exceeding one thousand dollars for the first year of its existence, to the commanding officer of each brigade having a hospital and ambulance corps, which sum shall be expended in the purchasing of proper supplies, equipments, and medicines for such corps, and thereafter to such corps there shall be paid a sum, for the same purpose, of not exceeding five hundred dollars per annum. [*Amendment approved March 9, 1893; Stats. 1893, p. 108.*]

This section was also amended in 1891: Stats. 1891, p. 124.

2095. *Form of demand.* No claim shall be allowed under the provisions of the preceding section, except upon demands made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the national guard or notary public, and transmitted through the regular military channels, with the approval of each commanding officer through whose headquarters they are required to pass; *provided*, that demands for uniforms and promoting rifle practice may be made at any time. One copy of said demands shall be filed in the office of the adjutant-general, and one copy sent to the board of military auditors. [*Amendment approved March 17, 1891; Stats. 1891, p. 125.*]

2099. *Annual allowance to each company.* The annual sum of two hundred and fifty dollars must be audited by the board, and paid out of the appropriation for military purposes, to each company of the national guard of fifty members or over, and in amount in proportion to every company of less than fifty members. The amount so audited and allowed must be paid to the commanding officer thereof, commissary, or the like thereof. [*Amendment approved March 17, 1891. Stats. 1891, p. 120.*]

2136. *An act to amend sections one, nine and seventeen of "An act to provide for the erection and management of a state hospital for the insane, to be located in Southern California," approved March eleventh, eighteen hundred and eighty-nine.*

[Approved March 31, 1891. Stats. 1891, p. 481.]

SECTION 1. Section one of "An act to provide for the erection and management of a state hospital for the insane, to be located in Southern California, approved March eleventh, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Section 1. The institution for the care and treatment of the insane designated as "The Southern California State Hospital for the Insane," and which has been located in San Bernardino county, and now in process of erection, shall hereafter be known and designated as "The Southern California State Asylum for the Insane and Inebriates."

SEC. 2. Section seventeen of "An act to provide for the erection and management of a state hospital for the insane," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Section 17. Insane patients shall be admitted to the southern state asylum for the insane and inebriates in the same manner and upon the same conditions that patients are admitted to the state insane asylums at Stockton, Napa and Agnews, and the chairman of the boards of supervisors of the several counties may make application in behalf of insane persons in their respective counties to the judge of the superior court of the county where he resides, and said judge shall, upon two respectable physicians, and other creditable witnesses, and after investigating the facts of the case, and after considering the verdict of jury, at his discretion, as to his being a proper person to be admitted, shall decide the case as to his indigence, and if the judge certifies that satisfactory proof has been adduced showing him to be an inebriate, and his estate is insufficient to support himself and his family (or if he has no family, himself), and that he would probably reform under treatment therein, on his certificate authenticated by the county clerk and seal of the superior court, he shall be admitted to the asylum, and kept there until he shall be reformed, but the time of detention is not to exceed one year, by which time, if he shall not be reformed, he shall be discharged as being an incurable

inebriate; and a majority of the trustees of the said asylum may at any time discharge an inebriate who has been reformed, upon the recommendation of the superintendent of the said asylum, and the same authority to discharge shall apply to any inebriate who shall be found to be incurable by the said superintendent of the said asylum. The judge of the superior court, in trying such case, shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the clerk of the county. The chairmen of the boards of supervisors of the several counties shall make the herein-mentioned application to the judge of the superior court of the county where any inebriate resides, upon the production and filing of an affidavit or affidavits, by two reputable practicing physicians and two reputable citizens, freeholders of such county, to the effect that such inebriate is lost to self-control, unable, from such inebriation, to attend to business, or is thereby dangerous to remain at large, and the affidavit of the said two reputable citizens, freeholders of said county, is also to contain a statement that the said inebriate is an indigent person, to the best of their knowledge and belief. The commitment of any inebriate to the said asylum shall not be made by any judge of the superior court for a longer period than one year. And whenever there are vacancies in the said asylum, the trustees of same may authorize the superintendent of same to admit, under such rules and regulations as the trustees of the said asylum may adopt, by special agreement, such private patients as may seek admission, who, in his opinion, promise reformation; but preference in all cases shall be given to citizens of the state; and the charges, to be collected monthly in advance, for keeping of such private inebriate patients, shall not be less than the cost of their food, care, and the attendance furnished them. The word used herein denoting the masculine gender only may extend to and include females.

SEC. 3. Section nine of "An act to provide for the erection and management of a state hospital for the insane," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended to read as follows (*provided*, that this act shall not be held to appropriate any money): —

Section 9. There is hereby appropriated the sum of three hundred and fifty thousand dollars, for the purpose of purchasing said site and erecting the said building, and to be placed in the fund to be known as "The Southern California State Asylum Fund," and shall be available for all purposes as set forth in the aforesaid act as hereby amended.

SEC. 4. This act shall take effect and be in force from and after its passage.

An act making an appropriation for additional improvements for the Southern California state hospital for the insane.

[Approved April 6, 1891; Stats. 1891, p. 495.]

SECTION 1. The sum of fifty-five thousand dollars is hereby appropriated out of any money in the state treasury not other-

[illegible] appropriated, for the furnishing of the Southern California state hospital for the insane, one half to be expended in the fiscal year, and [illegible] to be expended in the [illegible] fiscal year. The controller of state shall draw [illegible] for the same as the work shall progress in favor of the board of trustees of said Southern California state hospital for the insane, upon their requisition for the same, and such requisitions shall not exceed the following amounts: —

1. For furnishing ward building of said hospital, the sum of ten thousand dollars.

2. For furnishing the culinary department of said hospital, the sum of five thousand dollars.

3. For piping water to said hospital building, and supplying water-power therefor, the sum of fifteen thousand dollars.

4. For lighting and heating the buildings of said hospital, the sum of ten thousand dollars.

5. For furnishing a power plant for said hospital, the sum of ten thousand dollars.

6. For sewering the buildings of the said hospital, the sum of five thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act making an appropriation to pay the deficiency in the appropriation for additional improvements for the Southern California state asylum for the insane and inebriate.

[Approved March 3, 1883. Stats. 1883, p. 89.]

SECTION 1. The sum of fifteen thousand seven hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for additional improvements for the Southern California state asylum for the insane and inebriate (as approved by the state board of examiners), to provide one fifty horse-power engine for dynamos, two dynamos, one water-heater, one pump, laundry machinery, cold storage plant, ice-machine, with the necessary connections and fittings for each of the above, engine-house addition and brick smoke-stack, and eight hundred feet of fire-hose.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

An act making an appropriation for the erection of additional buildings and improvements for the Southern California state asylum for the insane and inebriate.

[Approved March 3, 1883. Stats. 1883, p. 70.]

SECTION 1. The sum of one hundred and seventeen thousand and five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the trustees of the Southern California state asylum for the insane and inebriates, as follows. For the erection

of a ward building; for the construction of drainage ditches; for the erection of a pumping station for the disposal of sewage; for grading grounds, preparing and planting to orchard and ornamental shrubbery, and for making roads and walks; for the building of a stable, for the purchase of live-stock, vehicles, and agricultural implements; for the building of a wall inclosing yard for patients, and for the construction of a building over reservoir.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant for said amount as the work shall progress, in favor of the board of trustees of said Southern California state asylum for the insane and inebriates, upon their requisition for the same, and the treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect immediately.

An act to provide for certain improvements in the state insane asylum at Stockton, California, and making an appropriation therefor.

[Approved March 23, 1893; Stats. 1893, p. 188.]

SECTION 1. The sum of ten thousand dollars ($10,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the board of directors of the state insane asylum at Stockton, California, for the construction of new floors in the main halls and corridors of the female department of the said state insane asylum.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of directors of the state insane asylum at Stockton, California, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act to provide for the purchase of apparatus and appliances for the protection of the buildings and property of the state insane asylum at Stockton, California, and making an appropriation therefor.

[Approved March 23, 1893; Stats. 1893, p. 189.]

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in the purchase of apparatus and appliances for the protection of the buildings and property of the state insane asylum at Stockton, California, from destruction by fire, the said moneys to be expended under the direction of the board of directors of the said state insane asylum.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of directors of said state insane asylum at Stockton, California, for the money hereby appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act to appropriate $100,000 for the Mendocino state asylum, to complete the female ward; to purchase furniture, and furnish the buildings erected and to be erected by the directors of said asylum; to construct a plant for lighting said buildings; to improve the grounds thereof; to purchase live stock and agricultural implements to be used for asylum purposes; to construct a carpenter shop and morgue thereon; to furnish the bakery; to construct a dam to furnish a water supply to said asylum; for fencing the ground and constructing a sewer system; for purchasing laundry machinery and kitchen furniture; to appropriate money therefor, and provide for the expenditure of the same.

[Approved March 3, 1893, Stats. 1893, p. 67.]

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred thousand dollars, to be paid to the order of the directors of the Mendocino state asylum for the insane, for the completion of the female ward building now being erected by the directors of said insane asylum, for the purpose of purchasing furniture, and furnishing buildings which have been heretofore erected by the directors of said asylum, and which may be hereafter erected under the provisions of this act; to construct a plant for lighting said buildings, and purchase the necessary machinery therefor, to improve the grounds of said asylum; to purchase live-stock and agricultural implements to be used for asylum purposes, to construct a carpenter-shop and morgue thereon; to furnish the bakery, to construct a dam to furnish a water supply to said asylum; for fencing the ground, and constructing yard fencing, for constructing a sewer system, for purchasing laundry machinery and kitchen furniture.

SEC. 2. Such sums as are used for building purposes shall be expended pursuant to the provisions of an act entitled "An act to establish a branch insane asylum for the insane of the state of California, and kiah, to be known as the Mendocino state insane asylum, and appropriating money therefor," approved February twentieth, eighteen hundred and eighty-nine, and "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six.

SEC. 3. The state board of examiners shall examine, audit, and allow all demands arising under this act and the said acts herein mentioned, and the state controller shall thereupon draw his warrants therefor, payable out of the general fund, and the state treasurer is hereby ordered to pay such warrants.

SEC. 4. The amount herein appropriated may be drawn in one sum, or in such sums as the board of directors of said insane asylum may desire.

SEC. 5. *This act shall take effect from and after its passage.*

... of said asylum.

[Approved March 9, 1893; Stats.

SECTION 1. The sum of six thousand twenty-four dollars and thirty-eight ce priated out of any money in the state t appropriated, to pay the claims of McGo said sum being due the said McGowan and material under contracts of McGow the board of directors of the Mendocino insane, on behalf of the state, as follows: ninety dollars and thirty-eight cents for walls to said asylum building; four thou and ninety-seven dollars for grading and te thereof; and nine hundred and thirty-sev structing a drainage and sewerage system buildings of said insane asylum.

SEC. 2. The controller of state is herel directed to draw his warrant on the state t said McGowan and Butler for said sum of si hundred and twenty-four dollars and thirt the treasurer of state is hereby authorized a the same.

SEC. 3. The amount hereby appropriated same is hereby exempted from the provisi hundred and seventy of the Political Code.

SEC. 4. This act shall take effect and be after its passage.

An act to change the name of the Mendocino a insane to Mendocino asylum.

[Approved March 3, 1893; Stats. 189

SECTION 1. The name of "The Mendocino the Insane" is hereby changed to "Mendoc the said asylum shall be known and designat Asylum."

2237. *An act to ...*

hundred dollars; for reconstruction of basements, two thousand dollars; for heating apparatus, two thousand eight hundred and twenty dollars; for painting buildings and fences, one thousand dollars.

SEC. 2. This act shall take effect on and after its passage.

2881. *Salary of treasurer of deaf and dumb and blind asylum.* The annual salary of the treasurer shall not exceed twelve hundred dollars, and shall be fixed by the board of directors. [*Amendment approved February 2, 1891; Stats. 1891, p. 3; in effect immediately.*]

2882. **State library**, legislature may elect trustees: 80 Cal. 233.

2884. *An act to authorize the justices of the supreme court to appoint a librarian for said court, and fixing a salary.*

[Approved March 11, 1880; Stats. 1880, p. 121.]

SECTION 1. The justices of the supreme court are hereby authorized to appoint a librarian for the supreme court library, who, under their direction, shall conduct its affairs and be responsible for its care.

SEC. 2. The annual salary of said librarian shall be twelve hundred dollars, payable monthly, in the same manner as the salaries of other state officers.

SEC. 3. This act shall take effect immediately.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

2886. **Appointment and qualification** of director of state board of agriculture. 65 Cal. 309.

An act to amend an act entitled "An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal so much of an act entitled 'An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state,'" approved March 18, 1881, by amending sections one, eleven, and twelve.

[Approved March 28, 1883. Stats. 1883, p. 282.]

SECTION 1. Section one of said act is hereby amended to read as follows: —

The several counties of this state are divided and classified into agricultural districts, and numbered as follows, to wit: —

The counties of San Francisco and Alameda shall constitute agricultural district number one.

The county of San Joaquin shall constitute agricultural district number two.

The county of Butte shall constitute agricultural district number three.

The counties of Sonoma and Marin shall constitute agricultural district number four.

The counties of San Mateo and Santa Clara shall constitute agricultural district number five.

...shall constitu...
...number nine.
The counties of Siskiyou and Trinity s... cultural district number ten.
The counties of Plumas and Sierra shall ... tural district number eleven.
The counties of Lake and Mendocino sh... cultural district number twelve.
The counties of Sutter and Yuba shall ... tural district number thirteen.
The county of Santa Cruz, save and exce... southeast of the line beginning at a point ... Creek empties into the bay of Monterey, ... rectly northeast to the boundary line of Sa... shall constitute agricultural district numbe...
The county of Kern shall constitute agr... number fifteen.
The county of San Luis Obispo shall const... district number sixteen.
The county of Nevada shall constitute agr... number seventeen.
The counties of Mono, Inyo, and Alpine sha... cultural district number eighteen.
All that portion of Santa Barbara County ... Gaviota and south of the Santa Ynez Mounta... tute agricultural district number nineteen.
The county of Placer shall constitute agri... number twenty.
The county of Fresno shall constitute agri... number twenty-one.
The county of San Diego shall constitute ... trict number twenty-two.
The county of Contra Costa shall constitu... district number twenty-three.
All that part of Santa Cruz County southe... ginning at a point where the Aptos Crook emp... of Monterey, and extending in a direct line ... boundary line of Santa Clara County, shall ... cultural district number twenty-four.
The county of Napa shall constitute agri... number twenty-five.
The ...

The county of Tehama shall constitute agricultural district number thirty

The county of Ventura shall constitute agricultural district number thirty one.

The county of Orange shall constitute agricultural district number thirty two

The county of San Benito shall constitute agricultural district number thirty three

The counties of Modoc and Lassen shall constitute agricultural district number thirty four

The counties of Merced and Mariposa shall constitute agricultural district number thirty five.

The county of Solano shall constitute agricultural district number thirty six

That part of Santa Barbara County not included in agricultural district number nineteen shall constitute agricultural district number thirty seven.

The county of Stanislaus shall constitute agricultural district number thirty eight

The county of Calaveras shall constitute agricultural district number thirty nine

The counties of Yolo and Colusa shall constitute agricultural district number forty

The county of Del Norte shall constitute agricultural district number forty one.

The county of Glenn shall constitute agricultural district number forty two

The county of Tulare shall constitute agricultural district number forty three

SEC. 2. Section eleven of said act is hereby amended to read as follows:

Section 11 of an act entitled "An act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the state," approved March twentieth, eighteen hundred and eighty-one, and all acts in conflict herewith, are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

The following is the act referred to in section 2 of the above act:

An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal so much of an act entitled "An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state," approved April 15, 1880, and of all acts amendatory thereof as are in conflict herewith.

[Approved March 30, 1881. Stats. 1881, p. 138.]

SECTION 1. The *several counties of this state are* divided and *united into agricultural districts, and numbered as follows, to wit. The counties of San Francisco and Alameda* shall con-

stitute agricultural district No. 1. The counties of San Joaquin and Calaveras shall constitute agricultural district No. 2. The counties of Butte and Colusa shall constitute agricultural district No. 3. The counties of Sonoma and Marin shall constitute agricultural district No. 4. The counties of San Mateo and Santa Clara shall constitute agricultural district No. 5. The county of Los Angeles shall constitute agricultural district No. 6. The county of Monterey shall constitute agricultural district No. 7. The county of El Dorado shall constitute agricultural district No. 8. The counties of Del Norte and Humboldt shall constitute agricultural district No. 9. The counties of Siskiyou and Trinity shall constitute agricultural district No. 10. The counties of Plumas and Sierra shall constitute agricultural district No. 11. The counties of Lake and Mendocino shall constitute agricultural district No. 12. The counties of Sutter, Yolo, and Yuba shall constitute agricultural district No. 13. The county of Santa Cruz [illegible] and except that part thereof southeast of the line beginning at a point where the Aptos Creek empties into the bay of Monterey, and extending directly northeast to the boundary line of Santa Clara County shall constitute agricultural district No. 14. The counties of Tulare and Kern shall constitute agricultural district No. 15. The county of San Luis Obispo shall constitute agricultural district No. 16. The county of Nevada shall constitute agricultural district No. 17. The counties of Alpine, Mono and Inyo shall constitute agricultural district No. 18. All that portion of Santa Barbara County lying east of the Gaviota and south of the Santa Ynez Mountains shall constitute agricultural district No. 19. The county of Placer shall constitute agricultural district No. 20. The county of Fresno shall constitute agricultural district No. 21. The county of San Diego shall constitute agricultural district No. 22. The county of Contra Costa shall constitute agricultural district No. 23. All that part of Santa Cruz County southeast of a line beginning at a point where the Aptos Creek empties into the bay of Monterey and extending in a direct line northeast to the boundary line of Santa Clara County shall constitute agricultural district No. 24. The county of Napa shall constitute agricultural district No. 25. The counties of Sacramento and Amador shall constitute agricultural district No. 26. The county of Shasta shall constitute agricultural district No. 27. The county of San Bernardino shall constitute agricultural district No. 28. The county of Tuolumne shall constitute agricultural district No. 29. The county of Tehama shall constitute agricultural district No. 30. The county of Ventura shall constitute agricultural district No. 31. The county of Orange shall constitute agricultural district No. 32. The county of San Benito shall constitute agricultural district No. 33. The counties of Modoc and Lassen shall constitute agricultural district No. 34. The counties of Merced and Mariposa shall constitute agricultural district No. 35. The county of Solano shall constitute agricultural district No. 36. All that portion of Santa Barbara County not included in agricultural district No. 19 shall constitute agricultural dis-

[illegible] No. 37. The county of Stanislaus shall constitute agricultural district No. 38.

[illegible] Where two or more counties shall constitute an [illegible] district, each county shall be represented in the [illegible] board of directors by at least two resident citizens as [illegible] board, provided, that when, by reason of the [illegible] agricultural district, a director of one district [illegible] term of office as director [illegible] days after the formation of the new agricultural district. Whenever the boards of directors of two or [illegible] districts shall, by a majority vote of each [illegible] the said several districts may associate [illegible] fair in any of said districts and [illegible] draw the appropriation for all of said [illegible] expend the same for said fair in like manner as [illegible] separate fair.

[illegible] Any [illegible] or more persons, representing a majority [illegible] of the districts above constituted, may form an association for the improvement of the [illegible] within such district, and when so formed [illegible] shall be known and designated by the name of [illegible] Association, and by such name and style [illegible] and shall have power and [illegible] and be contracted with, to sue and be sued, [illegible] common seal, to purchase and hold and [illegible] such buildings and improvements as [illegible] thereon, and may sell and lease and dispose of [illegible] at pleasure. The said real estate, except as hereinafter [illegible] shall be used by such association for the purposes [illegible] exhibitions of horses, cattle, and other stock, [illegible] agricultural, horticultural, viticultural, mechanical [illegible] and domestic products of such district, [illegible] improvement of all the industries in the same, [illegible] association shall have the power, and are hereby [illegible] to sell and convey any portion of the real estate [illegible] by whatever title derived, which may not be necessary for the permanent use of said association for the purposes [illegible]

[illegible] The officers of such association shall consist of eight [illegible] who shall constitute a district board of agriculture [illegible] number — a president, who shall be one of their [illegible] and a secretary and treasurer not of their number.

[illegible] Within ten days after the formation of any new agricultural association within any of the districts above constituted in accordance with the provisions of this act and notice [illegible] to the governor, the governor shall appoint [illegible] citizens of such district as members of a district board of agriculture for said district whose term of office shall be [illegible] years, except as hereinafter provided.

[illegible] Within ten days after their appointment, the persons [illegible] shall qualify as required by the constitution, and shall [illegible] at a place within the district and organize by the [illegible] of one of their number as president of the board and [illegible], who shall hold said office of president one year,

and until his successor is elected, they shall also elect a secretary and treasurer

SEC. 7. At the same meeting the members of the board shall, by lot or otherwise, classify themselves into four classes of two members each. The terms of office of the first class shall expire at the end of the first fiscal year, of the second class, of the second fiscal year, of the third class, of the third fiscal year, and of the fourth class, at the end of the full term of four years. The fiscal year shall be from December first to December first, *provided*, that all officers of agricultural districts now in office under any law heretofore passed shall hold office for the term for which they were appointed, except in cases specified in section two of this act. And the agricultural associations heretofore established shall be continued in force and, so far as applicable, are made agricultural associations under this act.

SEC. 8. Each association so formed and organized is hereby declared and shall be recognized a state institution, and the board so appointed and qualified shall have the exclusive control and management of such institution for and in the name of the state, and shall have the possession and care of all the property of the association, and shall fix the terms of office and the bonds of the secretary and treasurer, and determine their salaries and duties. They shall have power to make all necessary by-laws, rules, and regulations for the government of the association, and the management of its prudential and financial affairs. They shall provide for and hold fairs or exhibitions by the association of such of the industries and industrial products in the district, at such time and place as they deem advisable: *provided*, that no district fair shall be held in any of the districts at the same time of the state fair: *and provided further*, that the state shall in no event be liable for any premium offered, or award for any debt contracted by any district board of agriculture or agricultural association.

SEC. 9. When any district board of agriculture shall have been created and organized as herein provided, the secretary of the board shall report such classification and organization to the state board of agriculture. He shall also report the same to the governor, and shall report any vacancy that may occur in the board to the governor, who shall fill the same by appointment for the unexpired term.

SEC. 10. Whenever any such association shall desire to sell any portion of its real estate not needed for the permanent use of the association, for the purposes specified in section two, and such real estate be held by such association under a deed or deeds of trust conveying the same in trust to be held in perpetuity as a place for holding agricultural exhibitions or fairs, or for other permanent purposes of such association it shall be lawful for such association to file its complaint in the superior court of the county in which such lands are situated, *setting forth* the nature of the title under which they are held, *and that it is the desire of the said association to sell and dispose of such* real estate, and praying for judgment authorizing *it to sell and* convey the same. In such action the trustee or

[illegible] in such deed or deeds, or the survivor or survivors of them, or the heirs, administrators, or executors of deceased [illegible] as the case may require, shall be made parties defendant, and upon service of the summons upon such defendants [illegible] by publication or upon their appearance, the [illegible] full jurisdiction in the premises, and the deed [illegible] under and in pursuance of the judgment of the court shall be [illegible] and effectual to convey to the purchaser the [illegible] of said association, and that of all of its predecessors in [illegible] to the suit.

SEC. 11. So much of an act entitled "An act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the state," approved April fifteenth, eighteen hundred and eighty, and of the several acts amendatory thereof, and as are in conflict herewith, are hereby repealed.

SEC. 12. This act shall take effect from and after its passage.

2348. Waters as public ways. 66 Cal. 138; 67 Cal. 166; [illegible] Cal. [illegible]; [illegible] Cal. 255.

2349. *Streams declared public ways.* The following streams and waters are declared public ways. So much of a slough as lies between Simons Canal, in the town of Alviso, and the bay of San Francisco; Petaluma River, from its mouth to the southerly line of Washington Street, in the city of Petaluma; the Sonoma River, between its mouth and a point opposite Fowler's Hotel, in the town of San Luis; the Napa River, between its mouth and the [illegible] bridge; the Suisun River, between its mouth and the town of Suisun embarcadero; the Sacramento River, between its mouth and the mouth of Middle Creek; the Feather River, between its mouth and a point fifty feet below the bridge crossing Feather River first above the mouth of the Yuba River; the Yuba River, between its mouth and a point at the mouth of the slough at the foot of F Street, in the city of Marysville; the San Joaquin River, between its mouth and Sycamore Point; the Stockton Slough, between its mouth and the west line of El Dorado Street, in Stockton; the Mokelumne River, between its mouth and the first falls; the Tuolumne River, between its mouth and Dickinson's Ferry; Deer Creek, between the house of Peter Lassen and its mouth; Big River, three miles from its mouth; Noyo River, three miles from its mouth; Albion River, three miles from its mouth; San Antonio Creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio; the Arroyo del

Mateo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven; Mission Creek, in the county of San Francisco; that portion of Channel Street in the city of San Francisco, and lying east of and between the easterly line of Harrison Street and the water front of the bay of San Francisco, the width thereof to be sixty feet from Harrison to the northeasterly line of Seventh Street, and one hundred and forty feet from the northeasterly line of Seventh to the city front; that certain creek running through tide-land survey numbered sixty-eight, and swamp and overflowed land survey numbered one hundred and forty-five, from its mouth to the head of tide-water therein; San Leandro Creek, from its mouth at San Francisco Bay to Andrews's Landing; San Lorenzo Creek, from its mouth at San Francisco Bay to Roberts's Landing; Johnson's Creek, from its mouth at San Francisco Bay to Simpson's Landing; the north branch of Alameda Creek, from its mouth to Eden Landing; San Rafael and Corte Madera Creeks, in Marin County, from their mouths as far up as tide-water flows therein; the Nenoes Creek, from its mouth at Suisun Bay to a point one half-mile above the warehouse of George P. Loucks; Diablo Creek, from its junction with the Nenoes, to a point opposite the warehouse of Frank Such, in Contra Costa County; the Arroyo de San Antonio, or Keys Creek, in Marin County, from its mouth at Tomales Bay to the warehouses on the point at Keys embarcadero, all the streams and sloughs emptying into Elk River, and all streams and sloughs south of Eureka, in Humboldt County, which are now or at any time have been used for the purpose of floating logs of timber, and all the sloughs south of Humboldt Point, in said county, that at high water have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight; Novato Creek, or estuary, in Marin County, from its mouth to Sweetser's Landing; Salinas River and Elkhorn Slough, or Estero Viejo, in Monterey County, from its mouth as far up as tide-water flows. [*Amendment approved March 11, 1891; Stats. 1891, p. 96.*]

Channel Street, jurisdiction of harbor commissioners over. 79 Cal. 580.

American River is non-navigable. 79 Cal. 387.

2429 Pilot commissioners, appointment and removal: [illegible] Cal. 633; 81 Cal. [illegible]

2440 Pilot commissioners for San Francisco, Mare Island and Benicia, powers of: 76 Cal. 633.

2442 This section operates as an exception to the general rule established by section 369 of this code: 76 Cal. 633.

2468 *Amendment to law of pilotage.* All vessels sailing under an enrollment, and licensed and engaged in the coasting trade between the port of San Francisco and any other port of the United States, shall be exempt from all pilotage, unless a pilot be actually employed. All foreign vessels, and all vessels from a foreign port or bound thereto, and all vessels sailing under a register between the port of San Francisco and any other port of the United States, shall be liable for pilotage and half-pilotage, as provided in section two thousand four hundred and sixty-six of this code. [*Amendment adopted April 6, 1891; Stats. 1891, p. 496.*]

2521 Authority to remove wharfingers and collectors: 81 Cal. 19.

2523 Action on wharfinger's bond. 95 Cal. 75.

2524 Jurisdiction over Channel Street. 79 Cal. 540.

Erection of wharf. Injunction. 79 Cal. 540.

Charge for use of wharves and landings. 92 Cal. 659.

Duty on tonnage, what is not: 92 Cal. 659.

Distinction between dockage and wharfage. 92 Cal. [illegible]

Money collected as wharfage becomes state money at [illegible] Cal. 271.

An act to provide penalties for failure to pay tolls, by false returns or otherwise, to any board of state harbor commissioners of the state of California.

[Approved March 10, 1891. Stats. 1891, p. 27.]

SECTION 1. Any person, corporation, firm, or association who shall, by false returns, or in any manner, avoid the payment of all or any portion of any tolls that may be due to any board of state harbor commissioners of the state of California, from any [illegible] as provided for by law and the rules and regulations of said board shall be liable for and shall pay to said board twice the amount of such tolls, and in addition thereto the sum of ten dollars over and above such amount.

SEC. 2. This act shall take *effect from and after its passage.*

An act to extend the jurisdiction of the board of state harbor commissioners over East Street, San Francisco.

[Approved March 6, 1891. Stats. 1891, p. 261.]

SECTION 1. That portion of East Street, between Pacific and Folsom Streets, in the city and county of San Francisco, which has heretofore been under the jurisdiction of the board of supervisors of said city and county, is hereby placed under the jurisdiction of the board of state harbor commissioners.

SEC. 2. The board of state harbor commissioners is hereby authorized and directed to assume control of said street within the limits defined in section one, and to operate the same as required by law for other portions of the water front.

SEC. 3. This act shall take effect from and after its passage.

An act to empower the board of state harbor commissioners to rectify the alignment of East Street, from Pacific Street to Market Street, in the city and county of San Francisco, and to sell, acquire, and condemn adjacent property.

[Approved March 31, 1891. Stats. 1891, p. 270.]

SECTION 1. The board of state harbor commissioners is hereby authorized and directed to rectify the alignment of East Street, between Pacific Street and Market Street, in the city and county of San Francisco, said rectification to be done so as to straighten the property lines and give as wide and commodious a thoroughfare as the traffic may demand.

SEC. 2. In no case shall the alignment of the westerly side of said thoroughfare extend east of the inner line of the thoroughfare as now established and defined by law.

SEC. 3. The jurisdiction of the said board shall be westerly to the line as established under this act.

SEC. 4. The board, in carrying out this law, shall have the power to purchase and sell, and to exchange, upon a legal and equitable basis, any portion or portions of the property adjacent to the westerly line of the thoroughfare herein provided for, and a full record of their proceedings shall be entered upon their minutes, and a sworn statement of all transfers, sales, and purchases, and other transactions, shall be filed with the secretary of state. Said statements shall show in full all payments and receipts, itemized so as to definitely exhibit the price or prices of each parcel of land transferred.

SEC. 5. In case of failure on the part of the interested parties to come to a satisfactory agreement, the board shall have the power to condemn, as in other cases, for public purposes.

SEC. 6. This act shall take effect from and after its passage.

An act to amend an act entitled "An act to amend section six of an act entitled 'An act concerning the water-front of the city and county of San Francisco,' approved March 18, 1878, and to confer further powers upon the board of state harbor commissioners" approved March 17, 1880.

[Approved March 31, 1891. Stats. 1891, p. 333.]

SECTION 1. Section five of an act entitled "An act to amend section six of an act entitled 'An act concerning the water-

front of the city and county of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners," is hereby repealed.

SEC. 2. Section nine of an act entitled "An act to amend section six of an act entitled 'An act concerning the water-front of the city and county of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners," approved March seventeenth, eighteen hundred and eighty, is hereby repealed.

SEC. 3. This act shall take effect immediately.

An act to provide for the issuance and sale of state bonds to create a fund for the construction and furnishing by the board of state harbor commissioners of a general ferry and passenger depot in the city and county of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this act to a vote of the people.

[Approved March 17, 1881. Stats. 1881, p. 110.]

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection and furnishing of a general railroad passenger and ferry depot at or near the foot of Market Street in the city and county of San Francisco, at a cost not to exceed six hundred thousand dollars, which the said board of state harbor commissioners are hereby authorized to construct in the manner and method authorized by law, and at a cost not to exceed said six hundred thousand dollars, the state treasurer shall immediately after the issuance of the proclamation of the governor hereinafter provided for, prepare six-per-cent bonds of the state of California, one thousand bonds in the denomination of one hundred dollars each, five hundred bonds in the denomination of five hundred dollars each, two hundred and fifty bonds in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of six hundred thousand dollars, which said bonds shall bear interest at the rate of four per centum per annum from their date, and shall be payable at the office of the state treasurer at the expiration of nineteen years from their date. Said bonds shall bear date the first day of January, A. D. eighteen hundred and eighty-three, and shall be payable on the first day of January, A. D. nineteen hundred and two. The interest upon and on said bonds shall be due and payable at the office of the said treasurer on the first day of January and the first day of July of each year; provided, that the first payment of interest shall be made on the first day of July, A. D. eighteen hundred and eighty-three, on so many of said bonds as have been theretofore issued. At the expiration of nineteen years from the date of said bonds, they shall cease to bear interest, and said treasurer shall forthwith pay the same out of the San Francisco depot sinking fund, provided for hereinafter in this act, and bonds shall be signed by the governor, countersigned by

the controller, indorsed by said treasurer, and shall have the seal of the state affixed thereto.

SEC. 2. Interest coupons shall be attached to each bond so that they may be removed without injury or mutilation to the bond. Said coupons consecutively numbered shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, numbered consecutively, and sealed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, and in such parcels as said treasurer shall deem best; but he must reject any and all bids for said bonds or any of them which shall be below the par value of said bonds, and he may, by public announcement at the place of sale, continue such sale as to the whole or any part thereof to any time and place he may select. Due notice of the place and time of sale of such bonds shall be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also in two newspapers published in the city of Oakland, two published in the city of Los Angeles, and two published in the city of Sacramento, once a week for four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund, to be known and designated as the "San Francisco Depot Fund," and must be used exclusively for the building and furnishing of said depot. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Francisco Depot Sinking Fund," shall be and the same is hereby created as follows: The state treasurer shall, on the first day of each and every month after the date of said bonds, take from the San Francisco harbor improvement fund the sum of four thousand six hundred and thirty-one dollars, and place the same in said San Francisco depot sinking fund created by this section. Said treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on the state bonds herein provided to be

named. And to provide means for the payment of said sum of five thousand one hundred and thirty-one dollars monthly, from said San Francisco harbor improvement fund into said San Francisco depot sinking fund and for the other payments out of said fund authorized by this act and as provided for therein, the said board of state harbor commissioners are hereby authorized and directed by the collection of dockage, wharfage tolls, rents and revenue to collect a sum of money sufficient therefor over and above the amount required by section two thousand five hundred and twenty-six of the Political Code of the state of California. After the payment of all of said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall be paid into the said San Francisco harbor improvement fund. At the maturity of said state bonds, the said treasurer shall sell the United States bonds then in said sinking fund at governing market rates and pass the proceeds to said San Francisco depot sinking fund, and shall pay out the same to reimbursement of said state bonds, on controller's warrants duly drawn for that purpose.

SEC. 6. The state treasurer shall keep full and particular account and record of all his proceedings under this act, and he shall transmit to the governor an abstract of all his proceedings thereunder with his annual report to be by the governor laid before the legislature; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested or the governor, or attorney-general or a committee of either branch of the legislature, or a joint committee of both.

SEC. 7. It shall be the duty of the state treasurer to pay the interest on said bonds when the same falls due out of the sinking fund provided for in this act on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people as hereinafter provided for, shall take effect on the thirty-first day of December, A. D. eighteen hundred and ninety-two as to all the provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the state of California for their ratification at the next general election to be holden in the month of November, A. D. eighteen hundred and ninety-two, and the qualified electors of the state shall at said election, on their ballots, vote for or against this act. Those voting for the same shall write or have printed on their ballots the words "For the San Francisco depot act," and those voting against the same shall write or have printed on their ballots the words "Against the San Francisco depot act." The governor of this state shall include the submission of this act to the people as aforesaid in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned, and canvassed, and declared in the same manner and subject to the same rules as votes cast for state

officers, and if it appear that said act shall have rece majority of all the votes cast for and against it at suc tion as aforesaid, then the same shall have effect as be fore provided, and shall be irrepealable until the princip interest of the liabilities herein created shall be paid a charged, and the governor shall make proclamation th but if a majority of the votes cast as aforesaid are again act, then the same shall be and become void

Sec. 11. It shall be the duty of the secretary of s have this act published in at least one newspaper i county or city and county, if one be published t throughout this state, for three months next preceding general election to be holden in the month of Novembe eighteen hundred and ninety-two. The costs of such p tion shall be paid out of the general fund, on controller rants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San cisco depot act."

Sec. 13. All acts or parts of acts in conflict with the tions of this act are hereby repealed.

This act was adopted at the general election held in N ber, 1892.

2540. Approval of bond, and effect of failure to ap 78 Cal. 154.

Filing of bond: 78 Cal. 154.

Breach of wharfinger's bond, and evidence of: 154.

2569. Penalties.—Subdivision 6 of this section is stitutional. 88 Cal. 491.

2607. *Harbor commissioners of the bay of San* The monthly salaries of the officers shall be as fo Each of the three commissioners, twenty-five dollar secretary, who shall be elected by the commissioner their own number, one hundred dollars, in addition salary as commissioner. The salaries and compen of all other officers and employees, when appointed be fixed by a majority of the board of harbor commi ers, and all salaries shall be paid monthly on wa drawn on the San Diego harbor improvement fun shall be signed by the president and secretary board; *provided*, that in no event shall the state be for the salaries of the members of said board of co missioners, or of the secretary thereof, or for the sal compensation of any officer or employee elected pointed by said board, or upon any contract ma entered into by said board. And it is hereby exp

that said board of commissioners shall not create ...ity or indebtedness against the state in any ... form whatsoever, and any liability or indebt... created, or attempted to be created, shall be ... null and void. [*Amendment approved March ... Stats. 1891, p. 69, in effect immediately.*]

Provision against special legislation does not ... the road laws retained by the code. 67 Cal. 591.

...ation. —(1) *Who may dedicate.* 71 Cal. 21, 88 Cal. 263; ...; 91 Cal. 213, 86 Cal. 405, 88 Cal. 263.

...; 95 Cal. 463, 86 Cal. 192, 82 Cal. 24; 79 Cal. 449; 75 ...

...er and acceptance. 94 Cal. 438, 83 Cal. 623, 86 Cal. 192, ...; 88 Cal. 263, 93 Cal. 43; 81 Cal. 524; 81 Cal. 70; 95 Cal. ... 420.

...er and acquiescence: 82 Cal. 153, 94 Cal. 533; 91 Cal. 621, ...; 93 Cal. 128, 81 Cal. 122, 88 Cal. 263, 93 Cal. 43, 81 Cal. ... 463, 84 Cal. 634, 95 Cal. 78, 78 Cal. 9; 65 Cal. 250, 89 ...

...ence to show: 82 Cal. 153, 87 Cal. 84; 79 Cal. 449, 81 Cal. ... 463, 84 Cal. 634; 89 Cal. 11, 70 Cal. 454.

...ppress and jealting. 91 Cal. 443, 94 Cal. 438; 83 Cal. 623; ...; 86 Cal. 192, 86 Cal. 405, 93 Cal. 263, 93 Cal. 500, 88 ... Cal. 84, 82 Cal. 24; 93 Cal. 43, 81 Cal. 524; 81 Cal. 70, ...; 88 Cal. 263, 85 Cal. 463, 72 Cal. 171, 70 Cal. 476; 89 ...

...ital or revocation of: 82 Cal. 153; 83 Cal. 623, 82 Cal. ... 524, 95 Cal. 463, 70 Cal. 454, 70 Cal. 476, 88 Cal. 263.

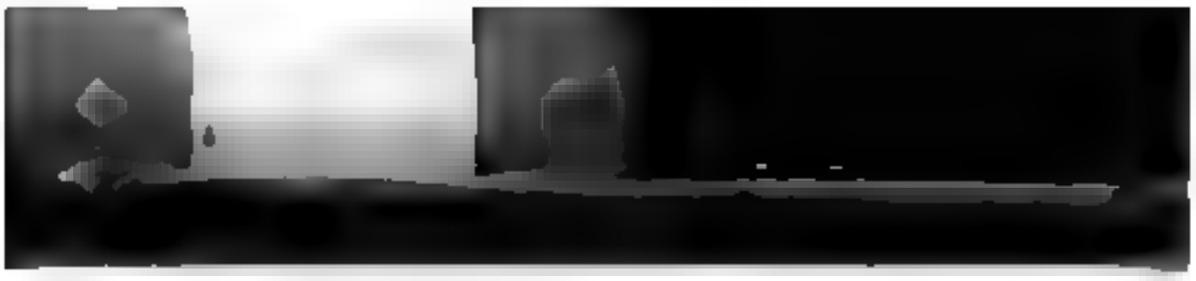
Continuance of highway. 94 Cal. 533.

...ation of franchise. 95 Cal. 78, 79 Cal. 171, 79 Cal. ... 220.

...onment and vacation of highway: 81 Cal. 122, 83 ... Cal. 1, 93 Cal. 263, 93 Cal. 128.

See note to sec. 2619, *ante*.

Title to roads. Any road laid out by the board ...visors as provided in this chapter, or used and ... therein provided, shall not be vacated or cease ...ighway until so ordered by said board; and each ...hall be deemed to have acquired title to any road ...ver any land in conformity to any order made ...ard of supervisors pursuant to this chapter after ... shall have elapsed from the time of making the ...ening the road. [*New section added April 6, 1891; ...91, p. 508.*]



2632. *Owner of land may plant trees.* Any owner or occupant of land adjoining a highway not less than three rods wide may plant trees in and along said highway on the side contiguous to his land. They must be set in regular rows, at a distance of at least twenty feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than eighty feet wide, the row must not be less than six nor more than twelve feet from the boundary of the highway. Whoever willfully injures any of them is liable to the owner or to the occupant for the damage which is thereby sustained; *provided*, if, in the judgment of the board of supervisors, the whole width of such road is needed for use for highway purposes, the whole thereof may be so used. [*Amendment approved March 9, 1893; Stats. 1893, p. 115; in effect immediately.*]

2641. *Road districts.* The board of supervisors of the several counties shall divide their respective counties into suitable road districts, and may change the boundaries thereof, and each supervisor shall be ex officio road commissioner in his supervisor district, and shall see that all orders of the board of supervisors pertaining to the roads in his district are properly executed; *provided*, when in any county the members of the board of supervisors thereof are not elected by districts, it shall be the duty of such board, by proper order, to be entered in its records, to divide such county into supervisor districts to correspond with the number of members of such board, and to assign to each member thereof one of such districts, of which he shall be such road commissioner; when not otherwise provided by law, he shall receive for his services as such road commissioner twenty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not, in any one year, receive more than three hundred dollars. [*Amendment approved March 9, 1893; Stats. 1893, p. 115, in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 674.

Including city in road district: 70 Cal. 472.

2642. *Office of road-overseer abolished.* From and after the Monday following the first day of January, A. D. eighteen hundred and ninety-three, the office of road-overseer shall be abolished; *provided*, that whenever in this code the words "road-overseer" occur, they shall be taken and construed so as to read road commissioner. [*Amendment approved March 31, 1891; Stats. 1891, p. 474; in effect after the Monday following the first day of January, 1893.*]

Road-overseer, eligibility to office: 79 Cal. 672; mandamus to compel appointment: 70 Cal. 612.

2643. *Duties of boards of supervisors.* The boards of supervisors of the several counties of the state shall have general supervision over the roads within their respective counties. They must, by proper order, —

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided.

2. Cause to be recorded as highways such roads as have become such by usage, dedication, or abandonment to the public; also all such streets and roads as have been or may be declared such under section seventeen hundred and sixty-four of the Code of Civil Procedure.

3. Abolish or abandon such as are not necessary.

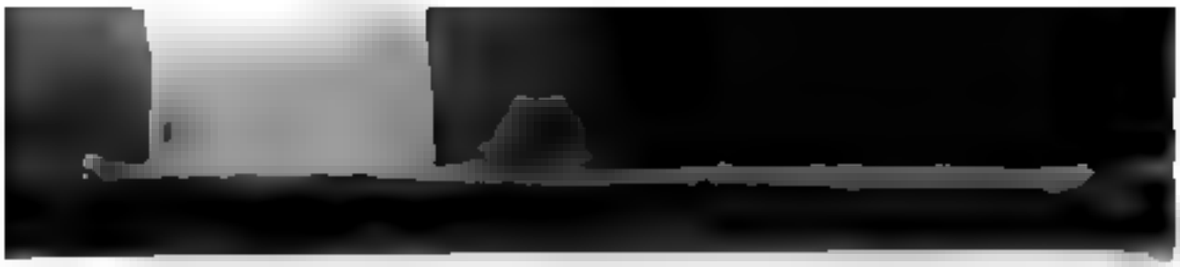
4. Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute, or require the district attorney to institute, proceedings under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the district road fund of the particular district.

5. Levy a property tax for road purposes.

6. In their discretion, cause to be erected and maintained on the highways they may designate, mile-stones, or posts, or guide-posts, properly inscribed.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the treasurer in separate funds.

8. Audit all claims on the funds of the respective road districts, when required to pay for work or improvements thereon.



9. In their discretion, they may provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered.

10. For the purpose of watering roads in any part of the county, the supervisors may erect and maintain water-works, and for such purpose may purchase or lease real or personal property. The costs for such water-works and the watering of said roads may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

11. In their discretion, they may advertise for bids to grade, turnpike, gravel, or sprinkle any road or roads in any road district, which contract shall be let to the lowest responsible bidder; *provided*, the board may reject any or all bids, whenever it shall appear to them that the same are too high. The advertisement for such bids shall specify the road or roads upon which such work is to be done, the kind, character, and extent of the same, so as to plainly indicate to bidders the work to be bid for; and shall, when in their judgment the same is necessary, cause the county surveyor to survey and furnish a profile of the proposed work, showing cuts, fills, and grade as fully as practicable, which profile shall be open to inspection at the office of the board of supervisors. When such work is completed, the same shall be inspected by the board of supervisors, or by a committee of the board appointed by the chairman to inspect and report upon the same. And no payment shall be paid for such work until the same has been inspected and accepted by the board or such committee; *provided*, the board may, in their discretion, advance not to exceed thirty per cent of the amount of such contract after the work is at least half completed. Such advertisement for bids shall be in such newspaper as the board may designate, and be published for the period of at least two weeks, and notice of such letting shall also be posted by the road commissioner in three conspicuous places in the district where

such work is to be done, for at least ten days before the day set for opening said bids and awarding contracts. Bids shall be inclosed in a sealed envelope, directed to the clerk of the board of supervisors, and shallbe indorsed, across the face of the envelope, "Bids for road-work, —— district," giving the name of proper district. [*Amendment approved March 9, 1893; Stats. 1893, p. 114; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 474.

Construction of this section: 80 Cal 11.

Jurisdiction of supervisors. 71 Cal. 400.

Abandonment of unnecessary roads: 80 Cal. 11.

Relocating boundary line: 98 Cal. 128; 71 Cal. 400.

Enjoining supervisors and overseer: 84 Cal. 1.

3044. Repealed; Stats. 1891, p. 474; in effect after the Monday following January 1, 1893.

3045. *Duties of road commissioners.* Road commissioners, under the direction and supervision and pursuant to orders of the board of supervisors, must, —

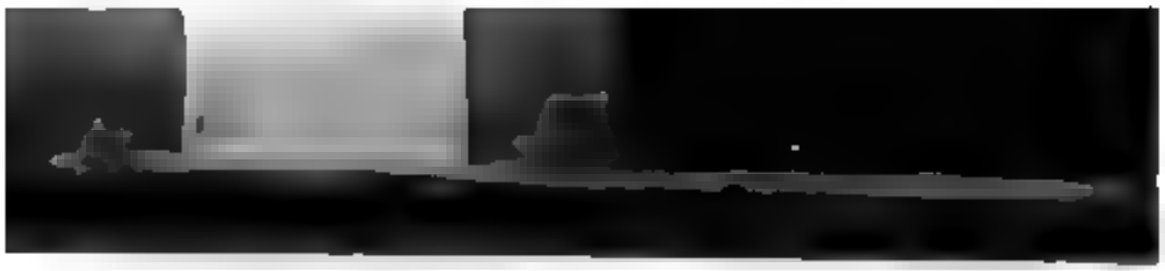
1. Take charge of the highways within their respective districts, and shall employ all men, teams, watering-carts, and all help necessary to do the work in their respective districts when the same is not let by contract; *provided*, that no road commissioners shall be interested, directly or indirectly, in any contract or work to be done in the road district under his charge and control.

2. Keep them clear from obstructions, and in good repair, and destroy, or cause to be destroyed, at least once a year, all thistles, Mexican cockleburs, of any kind, and all noxious weeds, growing or being on any portion of the public highways or public roads in their respective districts.

3. Cause banks to be graded, bridges and causeways to be made when necessary, keep the same in good repair, and renew them when destroyed. [*Amendment approved March 9, 1893; Stats. 1893, p. 115; in effect immediately.*]

This section was also amended at the session of 1891: Stats. 1891, p. 476.

Request to overseer to remove obstructions: 90 Cal. 384.



2640. Repealed; Stats. 1893, p. 114; in effect immediately.

The section above repealed was amended in 1891 (Stats. 1891, p. 477), as follows:—

The board of supervisors must,—

1. Advertise for sealed bids to maintain the roads in the several districts in the county, where contracts have not already been let, or for the reletting of contracts, by notice in a weekly newspaper published in the county, or in one published within the district in which the work is to be done, if there be one so published, and also post three notices in prominent places within said district, for four consecutive weeks immediately prior to the day set for receiving and opening said bids and awarding contracts.

2. The notice shall contain a general description of the roads in the district in which work is required to be done under said contracts, the boundaries of the district, and explicit specifications as to the manner in which the work shall be done in particular parts or portions thereof.

3. The bids shall be made and the contracts awarded for a term of not less than one nor more than four years. They shall be opened and the contracts awarded at any regular meeting.

4. Said contracts shall be awarded separately for each road district in the county, and no contract shall be awarded to a person who is not a qualified elector of the county.

5. Contracts shall be awarded to the lowest responsible bidder, and a bond caused to be executed, in a sum equal to the amount of the contract, for the faithful performance of the conditions of said contract. The contractor shall also be required to perform the duties prescribed in subdivisions two and three of section twenty-six hundred and forty-five of this chapter.

6. The board may reject any or all bids.

2651. **Road tax**, submission of, to people: 71 Cal. 500.

Transfer from general fund: 78 Cal. 491.

2652. *Road poll tax.* The board of supervisors may, annually, at any regular meeting held between the first days of January and March of each year, levy on each male person over twenty-one and under fifty-five years of age found in each road district during the time for the collection of road poll taxes for that year, excepting all persons who were honorably discharged from service in the army or navy of the United States at any time within the first day of April in the year of our Lord eighteen hundred and sixty-one, and the first day of September in the year of our Lord eighteen hundred and sixty-five, an annual road poll tax not exceeding three dollars; and

from every such person not above excepted, in a road district, who has not paid the same in some other district, must be collected the amount of road poll tax so [illegible]. Said road poll tax shall be collected by the county assessor in the same manner that state poll taxes are [illegible] and all remedies given by law for the [illegible] taxes shall apply to and be in force for the [illegible] poll taxes. Road poll tax receipts [illegible] and numbered in the same manner that [illegible] receipts are signed and numbered, shall be [illegible] the auditor of the county to said county assessor [illegible] before the first Monday of March of each year, and said assessor shall be charged with the amount of such road [illegible] tax receipts delivered to him, and be credited with [illegible] returned, and shall settle with the auditor and pay [illegible] the amounts collected, in the manner provided [illegible] thirty-eight hundred and fifty-three [illegible] not exceeding thirty-five per cent [illegible] so collected may be apportioned to the general [illegible] and the balance shall be apportioned [illegible] of the county from which said road [illegible] was collected. [*Amendment approved March* [illegible] *p. 478; in effect after the Monday* [illegible] *of January, 1893.*

2654. Assessment. 91 Cal. 432.

Action by county for road tax 91 Cal. [illegible]

2681. *Roads and highways — Ten freeholders may petition to lay out.* Any ten freeholders who will be accommodated by the proposed road, two of whom must be residents of the road district wherein any part of the proposed road is situated, and who are taxable therein for road purposes, may petition, in writing, the board of supervisors to alter or discontinue any road, or to lay out a new road therein; *provided*, that when a road is petitioned for upon the dividing line between two counties, the same course shall be pursued as in other cases, except that a copy of the petition shall be presented to the board of supervisors of each county, who shall appoint viewers, to act jointly, and report to their respective boards the action of such viewers; *provided further*, that all such roads shall be at

[illegible]
the district in which [illegible]
published, and also [illegible]
within said district, [illegible]
prior to [illegible]
[illegible]

[illegible] description of t
[illegible] district in which work is required to be done un
contracts, the boundaries of the district, and explicit
cations as to the manner in which the work shall be
particular parts or portions thereof.

3. The bids shall be made and the contracts awarde
term of not less than one nor more than four years. Th
be opened and the contracts awarded at any regular me

4. Said contracts shall be awarded separately for eac
district in the county, and no contract shall be award
person who is not a qualified elector of the county.

5. Contracts shall be awarded to the lowest resp
bidder, and a bond caused to be executed, in a sum eq
the amount of the contract, for the faithful performance
conditions of said contract. The contractor shall also
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and three of section twenty-six hundred and forty-five
chapter.

6. The board may reject any or all bids.

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Transfer from general fund: 78 Cal. 493.

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collection of road poll taxes for that
[illegible]

[illegible] altered, laid out, [illegible]ucted, and the lands over which the same is to [illegible] the names of the owners of such land when [illegible] and if not known, that fact must be stated. The [illegible]st, on the day fixed for the hearing, or to which [illegible] be postponed or continued, hear the evidence [illegible] by parties interested for or against the proposed [illegible]ns or new road, and must ascertain and by order [illegible] the amount of damage awarded to each non-con- [illegible] land-owner over whose land they shall order the [illegible] be opened, whether known or unknown, and de- [illegible] report of the viewers to be approved or rejected, [illegible] or in part. [*Amendment approved April 6, 1891; [illegible]91, p. 509, in effect immediately.*]

[illegible]g notice of application. 82 Cal. 153.

[illegible] **Opening of road, enjoining:** 71 Cal. 149; 94 Cal. [illegible]

[illegible]ensation. 68 Cal. 57.

[illegible]pel from receipt of damages. 93 Cal. 128.

[illegible]ranting to the board of supervisors of Sonoma County, [illegible] right of way through the lands of the California home [illegible] and training of feeble minded children, to enable said [illegible] of supervisors to change the location of the public highway [illegible]ersing said lands.

[Approved March 28, 1892; State, 1893, p. 277.]

...county, where contracts have not been let, or for the letting of contracts, by notice in a newspaper published in the county, or in one published in the district in which the work is to be done, if there be published, and also post three notices in prominent places within said district, for four consecutive weeks immediately prior to the day set for receiving and opening said bids and awarding contracts.

2. The notice shall contain a general description of the work to be done in the district in which work is required to be done under said contracts, the boundaries of the district, and explicit specifications as to the manner in which the work shall be done, and particular parts or portions thereof.

3. The bids shall be made and the contracts awarded for a term of not less than one nor more than four years. The bids shall be opened and the contracts awarded at any regular meeting.

4. Said contracts shall be awarded separately for each road district in the county, and no contract shall be awarded to any person who is not a qualified elector of the county.

5. Contracts shall be awarded to the lowest responsible bidder, and a bond caused to be executed, in a sum equal to the amount of the contract, for the faithful performance of the conditions of said contract. The contractor shall also be required to perform the duties prescribed in subdivision two and three of section twenty-six hundred and forty-five of this chapter.

6. The board may reject any or all bids.

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Transfer from general fund:78 Cal. 493.

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Duty to fix — Mandamus: 66 Cal. 632, 66 Cal. 634.

lized toll road is a public corporation. 79 Cal. 166.

sfer of franchise 65 Cal. 361.

Expiration of franchise See *ante*, sec. 2619, note.

Excessive tolls: 73 Cal. 68.

Quieting title to toll road See *post*, Code Civ. Proc., sec. [illegible].

Payment of license tax into treasury. 84 Cal. [illegible]

Navigable stream, definition of 79 Cal. 347.

with draw, right to erect 79 Cal. 347.

Wharf, when a nuisance. 67 Cal. 543.

Fees collected by immigration commissioner: [illegible]; 70 Cal. 212, 76 Cal. 124, 79 Cal. 84.

Appointment by governor: 87 Cal. 475.

ion of office 79 Cal. 165.

oath of office: 79 Cal. 165.

An act entitled an act to amend section fifteen of an act en- An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, the construction of sewers and other sanitary purposes the [illegible] of property thereby the calling and conducting of [illegible] and to declare the assessment, levy, collection custody, [illegible] ment of taxes therein, the issuance and disposal of [illegible] thereof, and the determination of their validity, and [illegible] for the payment of such bonds, and the disposal

2682. *What petition to contain.* The p
set forth the general route of the road to b
discontinued, altered, laid out, or construc
names of the persons over whose land the sa
if known, and if not known, that fact mu
[*Amendment approved April 6, 1891; Stats.*
in effect immediately.]

Petition: 75 Cal. 604; 95 Cal. 239.

Order abandoning road — Certiorari: 89

2683. Bond is not necessary on petition t
Cal. 11.

Approval of bond: 75 Cal. 604; 95 Cal. 239.

Substantial compliance with statute is su
ing out a public highway: 95 Cal. 239.

2684. *Three viewers to be appointed.* Up
petition and bond, the board of supervisors
deem it advisable, appoint three viewers,
must be a surveyor, to view and survey
alteration of an old or opening of a new roa
to the board an estimate of the change,
opening, including the purchase of the right
their views of the necessity thereof. [*Ap*
proved March 9, 1893; Stats. 1893, p. 100; i
diately.]

This section was also amended in 1891: Stats.

2685. Notice to land-owner: 75 Cal. 604.

2686. Report of viewers: 68 Cal. 58; 75 C

An act to appropriate money to prevent the introduction of contagious diseases.

[Approved March 23, 1893. Stats. 1893, p. 180.]

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of the general fund in the state treasury, to be expended by the state board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera and other contagious and infectious diseases into the state. The claims of such expenditures must be audited by the board of examiners, except that when a contingency arises which, in the opinion of the governor, demands the immediate use of money, the controller may draw his warrant, upon the order of the governor, in such sums, not exceeding one thousand dollars, as he may direct, in the name of the state board of health: *provided*, that an account must be thereafter filed with the board of examiners, and audited by it, and transmitted to the controller, showing the manner of such expenditure.

SEC. 2. This act to take effect from and after its passage.

2993. Vaccination act, constitutionality: 84 Cal. 225.

Prevention of disease, discretion of legislature: 84 Cal.

3105. *An act to amend an act entitled "An act to authorize the incorporation of rural cemetery associations" approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer the same by deed.*

[Approved March 31, 1891. Stats. 1891, p. 264.]

SECTION 1. The act of the legislature entitled "An act to authorize the incorporation of rural cemetery associations," approved April twenty-eighth, eighteen hundred and fifty-nine, is amended, by the addition of a new section, so as to read as follows:

SECTION 13. Whenever all the bodies buried in any lot or plat in the cemetery referred to shall have been removed therefrom by the consent of a majority of the board of directors of the corporation owning said cemetery, it shall be lawful for the owner of said lot or plat, with the consent of a majority of said directors, to transfer the same by deed.

3110. *An act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand.*

[Approved March 23, 1893. Stats. 1893, p. 234.]

SECTION 1. The city council of any city of this state having a population of more than five thousand and not exceeding one hundred thousand may, by ordinance duly passed, and subject to such lawful rules and regulations which it may adopt, provide for the exhuming, taking up, and removal from cemeteries within the boundaries limits of *such city (and in which such cemeteries no interments of human remains have been made for a period of not less than five years), of* all the human remains *interred in such cemeteries.*

3196. Trade-marks 68 Cal. 68.

3197 Trade-mark exclusive use 66 Cal. 78.

3209. *An act to establish a standard of weights and measures.*

[Approved April 6 1891 Stats 1891, p 487.]

SECTION 1 There shall be but one standard of weights and measures of capacity throughout this state, which shall be in conformity with the standard of weights and measures established by law.

SEC 2 The secretary of state shall be ex officio state sealer of weights and measures, and he is hereby required to seal all balances weights, and measures to be used as standards by the county sealers.

SEC 3. It shall be the duty of the governor of the state of California to appoint, whenever so requested to do by the board of supervisors of any county or city and county, a county sealer in every county of this state, who shall hold office for four years from the date of appointment, and it shall be the duty of each and every county sealer to procure, at the expense of the county in which he is appointed, a complete standard of balances, weights and measures, in conformity with that established by the laws of the United States, which shall consist of a standard balance, a yard, a pound weight a liquid gallon, and a half-bushel, and the usual subdivisions of such weights and measures the standard to be examined and certified to by the said state sealer who shall procure, at the expense of the state, a complete standard of weights and measures in conformity with this act

SEC 4 Each county sealer shall procure a stamp with the letter "C," and he shall cause the same to be stamped on all weights and measures which he shall have examined and certified to be correct Every county sealer may appoint, when so authorized by the board of supervisors of any county or city and county, as many deputies as may be necessary for the faithful and prompt discharge of the duties of his office such deputies shall hold office during the pleasure of the county sealer, and shall have the same powers as the county sealer.

SEC 5 All persons using any weights and measures or beams by which any commodity or articles of trade or traffic is weighed or measured shall have the same certified to by the county sealer at least once in a year Any person hereafter using any such weights and measures or beams not conformable to the standard of the county in which such weights, measures, or beams are used, or without having such weights, measures, or beams certified to as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty nor more than one hundred dollars for each and every offense, and the person or persons who shall furnish the information necessary to secure a conviction for violating any of the provisions of this act shall be entitled to one half of the fine collected, and the officer collecting the same shall pay it over to such persons, on demand, and one half of the fine collected shall be paid to the district attorney of the county in which the conviction is had.

3787. This section does not repeal section 551 of the Civil Code: 68 Cal. 350.

3779. Validity of incorporation, questioning: 88 Cal. 61.

3788. Authority of supervisors to grant franchise: 95 Cal. 78.

Presumption of grant of franchise: 95 Cal. 78.

Validity of incorporation, inquiring into: 88 Cal. 624.

Tolls, duty to fix — Mandamus: 66 Cal. 632, 88 Cal. 624.

Legalized toll-road is a public corporation: 79 Cal. 166.

Transfer of franchise: 66 Cal. 351.

3789. Expiration of franchise: See *antr*, sec. 2619, note.

3814. Excessive tolls: 73 Cal. 68.

3816. Quieting title to toll-road: See *post*, Code Civ. Proc., sec. 738, note.

3857. Payment of license tax into treasury: 84 Cal. 71.

3875. Navigable stream, definition of: 79 Cal. 347.

Bridge with draw, right to erect: 79 Cal. 347.

3906. Wharf, when a nuisance: 67 Cal. 543.

3955. Fees collected by immigration commissioner: 6 Cal. 562; 70 Cal. 212; 76 Cal. 121; 79 Cal. 84.

3970. Appointment by governor: 87 Cal. 475.

Duration of office: 79 Cal. 105.

Filing oath of office: 79 Cal. 105.

3979. *An act entitled an act to amend section fifteen of an act entitled "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."*

[Approved March 9, 1893; Stats. 1893, p. 88.]

Section fifteen (15) of "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," is amended to read as follows:-

... by the sanitary board." T
... be conducted in accordance with the general e
of the state, so far as the same shall be applicabl
herein otherwise provided. Every qualified elect
within the district for the length of time necessar
him to vote at a general election shall be entitled
the election above provided for. After the votes
been announced, the ballots shall be sealed up and
to the secretary or president of the sanitary board, w
as soon as practicable, proceed to canvass the same
enter the result upon its minutes. Such entry shall
sive evidence of the fact and regularity of all prior p
of every kind and nature provided by this act or by l
the facts stated in such entry. If, at such election,
of the votes cast be in favor of the issuance of bon
posed by the sanitary board, the said board shall th
have full power and authority to issue and dispose o
proposed in the order calling the election.

SEC. 2. This act shall take effect immediately.

An act to create the office of attorney for the state board and the board of health of the city and county of San Fr

[Approved March 31, 1891; Stats. 1891, p. 209.]

SECTION 1. The office of attorney for the state board and the board of health of the city and county of San F is hereby created; such attorney shall be appointed by ernor, and shall hold his office as such attorney for th four years, and until his successor is elected and qual

SEC. 2. It shall be the duty of such attorney to ac represent the state board of health and the board of the city and county of San Francisco in all legal matte may require their attention as such boards of healt specially represent and act for and in co-operation v boards of health, when required by them, in the prev all acts and things which, in the judgment of said health, or either of them, may have a ... mental to the health ...

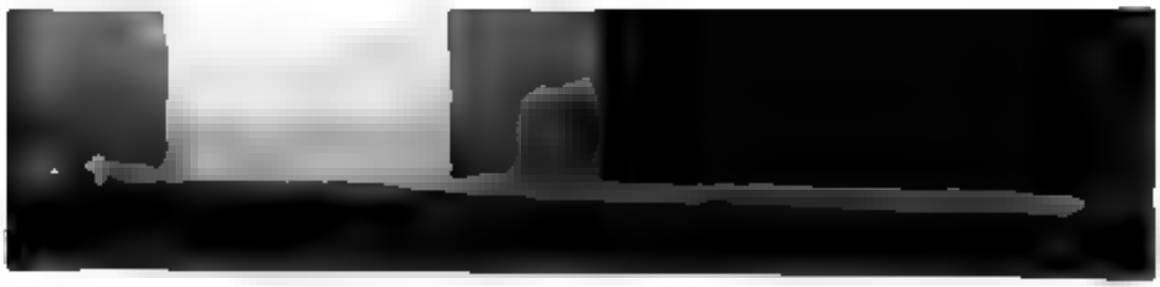
tion of any unfinished county, or city and county, or town, or township building or buildings now in process of construction, they are hereby authorized and empowered to express such judgment by resolution or order in such form as they may deem proper and for the purpose of raising the money necessary to complete said building or buildings, the board of supervisors of the several counties, cities, and cities and counties of the state of California are hereby authorized and empowered to levy and collect annually for the fiscal year commencing July first, eighteen hundred and eighty-seven, and ending June thirtieth, eighteen hundred and eighty-eight and each and every fiscal year thereafter during the three fiscal years next ensuing in the same manner and at the same times as other taxes in said counties, cities and towns and townships and cities and counties are levied and collected an ad valorem property tax on real and personal property within the said counties, or cities and counties, cities, towns and townships of not to exceed ten cents on each one hundred dollars of value as shown by the assessment rolls of said counties, cities, towns, and townships for the current fiscal year provided the moneys raised under the provisions of this act shall be expended only in the manner and for the purposes authorized by law or by the act or acts authorizing the construction of the building or buildings and provided further, that no part of said moneys shall be used for the purchase of carpets furniture fixtures, or other office furnishings of the rooms or offices occupied and in use at the time of the passage of this act nor any furniture or other office fixtures or furnishings for the rooms or offices yet to be completed save and except such office fixtures as are usually affixed to and constitute a part of the permanent structure or arrangement of such offices or rooms and provided further that not more than ten thousand dollars shall be expended in any one year for general repairs of said work, except for roads and such repairs are hereby limited to such as may be necessary for the preservation of the building or the protection of life or the improvement or maintenance of sanitary conditions and such alterations only as are actually necessary for the completion of the building or buildings according to the accepted plans.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act providing a commissioner of public works, defining his duties and powers, prescribing his compensation, and making appropriation.

(Approved March 31, 1880. Stats. 1880, p. 31.)

SECTION 1. There is hereby created a commissioner of public works for a period of four years, who shall be appointed by the governor. Such commissioner shall hold his office for the term of four years from the first day of March, eighteen hundred and eighty-three, and until his successor shall be appointed and qualified, and all subsequent appointments shall be for the term of four years. In case of vacancy occasioned by death, resignation, or otherwise, the governor shall appoint



8196. Trade-marks. 68 Cal. 48.

8197. Trade-mark exclusive use. 66 Cal. 76.

8200. *An act to establish a standard of weights and measures.*

[Approved April 6, 1891. Stats. 1891, p. 487.]

SECTION 1. There shall be but one standard of weights and measures of capacity throughout this state, which shall be in conformity with the standard of weights and measures established by law.

SEC. 2. The secretary of state shall be ex officio state sealer of weights and measures, and he is hereby required to seal all balances, weights, and measures to be used as standards by the county sealers.

SEC. 3. It shall be the duty of the governor of the state of California to appoint, whenever so requested to do by the board of supervisors of any county or city and county, a county sealer in every county of this state, who shall hold office for four years from the date of appointment, and it shall be the duty of each and every county sealer to procure, at the expense of the county in which he is appointed, a complete standard of balances, weights, and measures, in conformity with that established by the laws of the United States, which shall consist of a standard balance, a yard, a pound weight, a liquid gallon, and a half bushel, and the usual subdivisions of such weights and measures; the standard to be examined and certified to by the said state sealer, who shall procure, at the expense of the state, a complete standard of weights and measures in conformity with this act.

SEC. 4. Each county sealer shall procure a stamp with the letter "C," and he shall cause the same to be stamped on all weights and measures which he shall have examined and certified to be correct. Every county sealer may appoint, when so authorized by the board of supervisors of any county or city and county, as many deputies as may be necessary for the faithful and prompt discharge of the duties of his office. Such deputies shall hold office during the pleasure of the county sealer, and shall have the same powers as the county sealer.

SEC. 5. All persons using any weights and measures or beams by which any commodity or articles of trade or traffic is weighed or measured shall have the same certified to by the county sealer at least once in a year. Any person hereafter using any such weights and measures or beams not conformable to the standard of the county in which such weights, measures, or beams are used, or without having such weights, measures, or beams certified to as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty nor more than one hundred dollars for each and every offense; and the person or persons who shall furnish the information necessary to secure a conviction for violating any of the provisions of this act shall be entitled to one half of the fine collected, and the officer collecting the same shall pay it over to such persons, on demand, and one half of the fine collected shall be paid to the district attorney of the county in which the conviction is had.

SEC. 6. It is hereby made the duty of the county sealer to report immediately, to the prosecuting attorney or district attorney of the county for which they may act all violations of section five of this act, whose duty it shall be to prosecute all persons so offending.

SEC. 7. The county sealer shall have the power to inspect, at any hour in the daytime all such weights and measures and beams, at or in the places where they are used and any person refusing to allow such inspection upon reasonable request shall be liable to the penalties of section five of this act.

SEC. 8. Each county sealer shall be entitled to receive for his services, from persons using balance weights and measures mentioned in section three hereof the following fees: For sealing and marking every beam one dollar; for sealing and marking measures of extension at the rate of fifty cents per yard, not to exceed two dollars for any measure; sealing scales, from two pounds up to two hundred pounds inclusive, fifty cents each; from two hundred pounds to five hundred pounds, inclusive, one dollar and fifty cents each; five hundred pounds to two thousand pounds, inclusive, two dollars and fifty cents each; two thousand to six thousand five dollars each; from six thousand (three ton) to twenty five ton six dollars each, twenty five ton up to one hundred ton twenty five dollars each; for sealing and marking liquid measures, if the same be of the capacity of one gallon or more, fifty cents, if less than a gallon twenty five cents.

SEC. 9. Every county sealer of weights and measures shall pay all the expenses incurred in the discharge of his duties, including salaries of deputies, from the fees collected by him, and no charge shall be made by such county sealer to any county for such expenses.

SEC. 10. The county sealer shall keep a record of the names of all firms and persons whose and the date when weights and measures and balances have been officially adjusted and shall issue to such persons and firms a certificate therefor.

SEC. 11. The chief sealer of weights and measures of the state of California shall appoint a practical state sealer as a deputy state sealer to assist said state sealer to establish the different county sealers offices to adjust annually the balances, weights and measures in the state of California and to equip the office of the chief sealer at the capitol with all the necessary appliances to carry out the provisions of this act; said deputy may charge to said county sealers a fee of one hundred dollars. All such fees shall be paid into the general fund of the state treasury. Said deputy sealer shall receive as salary of one hundred and fifty dollars per month and traveling expenses incurred in the performance of his official duties.

SEC. 12. The secretary of state is hereby authorized and empowered, and it shall be his duty to equip the office of said chief sealer at the capitol of this state with all the necessary appliances to carry out the provisions of this act. The salary of said deputy state sealer shall be paid monthly in the same manner as the salaries of other state officers are paid. The traveling expenses incurred by said deputy state sealer

3259. Definition of day: 69 Cal. 457.

3285. Fire commissioners, appointment: 69 Cal. 460; 98 Cal. 153.

3344. Use of fire for agriculture: 90 Cal. 105.

3357. Issuance of licenses: 69 Cal. 88.

3360. Collection of license tax by suit: 71 Cal. 242; 77 Cal. 541; 86 Cal. 255.

3363. Payment into city treasury: 84 Cal. 71.

3377. Railroad licenses: 19 Pac. Rep. 830; 77 Cal. 518; overruling 66 Cal. 642; 67 Cal. 433.

Banker's license: 86 Cal. 255.

3380. Laundry licenses: 68 Cal. 635.

3381. Liquor licenses: 65 Cal. 269; 69 Cal. 86; 69 Cal. 609; 70 Cal. 35, 36, 70 Cal. 458; 71 Cal. 242; 73 Cal. 632; 90 Cal. 360; sufficiency of complaint for violation: 85 Cal. 208.

3382. Licensing business: 66 Cal. 449; 69 Cal. 88.

3384. Peddler's license: 71 Cal. 204.

3385. License for raising sheep: 72 Cal. 267; 73 Cal. 265.

3395. Duty of register to investigate selections of public land: 76 Cal. 499.

Classification of lands: 86 Cal. 454.

Indian lands, power of Congress over: 66 Cal. 508.

Mexican grants. — (a) *Protection of Mexican settlers:* 74 Cal. 448; 78 Cal. 158; 91 Cal. 156.

(b) *Approval, presidiment, and confirmation.* 74 Cal. 448; 74 Cal. 457; 68 Cal. 445; 90 Cal. 342; 92 Cal. 437, 91 Cal. 194; 91 Cal. 371.

(c) *Boundaries.* 69 Cal. 122; 74 Cal. 302; 60 Cal. 160; 91 Cal. 158; 87 Cal. 371; 78 Cal. 156, 85 Cal. 313, 91 Cal. 194; 91 Cal. 371; 91 Cal. 400; 91 Cal. 194.

(d) *Patent founded on Mexican grant, conclusiveness:* 60 Cal. 160; 75 Cal. 388; 74 Cal. 628; 92 Cal. 437; 87 Cal. 371; 78 Cal. 156; 85 Cal. 313, 91 Cal. 371; 91 Cal. 400, 91 Cal. 194; 79 Cal. 130; 79 Cal. 490; 84 Cal. 617.

(e) *Railroad grant covering* 91 Cal. 194; 78 Cal. 156; 79 Cal. 130.

3413. Traveling expenses of attorney-general and surveyor-general: 69 Cal. 223.

3414. Contest. (a) *Right of contest:* 65 Cal. 11; 68 Cal. 539; 70 Cal. 247; 74 Cal. 175, 78 Cal. 4; 85 Cal. 533; 91 Cal. 30.

(b) *Pleadings and proof:* 68 Cal. 473; 70 Cal. 544; 72 Cal. 236, 76 Cal. 175, 78 Cal. 30, 78 Cal. 116, 81 Cal. 604; 82 Cal. 513; 82 Cal. 670; 91 Cal. 30, 96 Cal. 117; 96 Cal. 513; 20 Pac. Rep. 130; 20 Pac. Rep. 131.

(c) *Order referring contest:* 68 Cal. 481; 68 Cal. 539; 70 Cal. 247; 76 Cal. 175.

(d) *Character of land:* 82 Cal. 104; 88 Cal. 274; 88 Cal. 454; 89 Cal. 73; 90 Cal. 103.

(e) *Intervention by settler:* 88 Cal. 519.

An act to appropriate money to prevent the introduction of contagious diseases.

[Approved March 28, 1880. Stats. 1880, p. 102.]

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of the general fund in the state treasury, to be expended by the state board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera and other contagious and infectious diseases into the state. The claims of such expenditures must be audited by the board of examiners, except that when a contingency arises which, in the opinion of the governor, demands the immediate use of money, the controller may draw his warrant, upon the order of the governor, in such sums, not exceeding one thousand dollars, as he may direct, in the name of the state board of health, *provided*, that an account must be thereafter filed with the board of examiners, and audited by it, and transmitted to the controller, showing the manner of such expenditure.

SEC. 2. This act to take effect from and after its passage.

3008. **Vaccination act, constitutionality:** 84 Cal. 328.

Prevention of disease, discretion of legislature: 84 Cal. 328.

3109. *An act to amend an act entitled "An act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed*

[Approved March 31, 1891. Stats. 1891, p. 254.]

SECTION 1. The act of the legislature entitled "An act to authorize the incorporation of rural cemetery associations," approved April twenty-eighth, eighteen hundred and fifty-nine, is amended, by the addition of a new section, so as to read as follows: —

Section 12. Whenever all the bodies buried in any lot or plat in this act referred to shall have been removed therefrom with the consent of a majority of the board of directors of the corporation owning said cemetery, it shall be lawful for the owners of said lot or plat, with the consent of a majority of said directors, to transfer the same by deed.

3110. *An act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand*

[Approved March 23, 1893. Stats. 1893, p. 234.]

SECTION 1. The city council of any city of this state having a population of more than five thousand and not exceeding one hundred thousand may, by ordinance duly passed, and under such lawful rules and regulations which it may adopt, provide for the exhuming, taking up, and removal from cemeteries within the boundary lines of such city (and in which such cemeteries no interments of human remains have been made for a period of not less than five years), of all the human remains interred in such cemeteries.

"Bean Native Lagoon," about three miles distant, and including all those tule-lands usually known and called "Pebble Beach," situate, lying, and being in the county of San Mateo, state of California.

An act confirming to the successors in interest of James Bowman all right of the state of California in that certain tract of land in the city and county of San Francisco known as water lot No. 414, and empowering and directing the governor to execute a deed of quitclaim therefor to said successors in interest of said James Bowman.

[Approved March 11, 1868. Stats. 1868, p. 151.]

WHEREAS, Under an act entitled "An act to provide for the sale of the interest of the state of California in the property within the water lines fronting the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property in the state of California,' passed March twenty-sixth, eighteen hundred and fifty-one, approved May eighteenth, eighteen hundred and fifty-three, the board of tide-land commissioners did sell to one James Bowman that certain tract of land in the city and county of San Francisco known as water lot number four hundred and fifteen, and described as follows: Commencing on the east line of Beale street two hundred and twenty-nine (229) feet and two (2) inches south of Howard street, thence southerly along Beale street forty-five (45) feet and ten (10) inches, thence at right angles easterly one hundred and thirty-seven (137) feet and six (6) inches, thence at right angles northerly forty-five (45) feet and ten (10) inches, and thence at right angles westerly one hundred and thirty-seven (137) feet and six (6) inches to the place of beginning, and whereas, the deed executed therefor by the aforesaid board of tide-land commissioners to said James Bowman, which deed is recorded in liber three hundred and sixty-two of deeds, at page three hundred and fifty-nine, in the office of the county recorder of the city and county of San Francisco, did incorrectly describe said property; and whereas, said James Bowman has since the execution to him of the aforesaid deed, parted with the title to said "water lot number four hundred and fifteen"; now, therefore,

The people of the state of California, represented in senate and assembly, do enact as follows:—

SECTION 1. The state of California hereby remises, releases, and quitclaims to the successors in interest of said James Bowman all the right, title, and interest of the state of California in and to said "water lot number four hundred and fifteen," situated within the city and county of San Francisco, and particularly described as follows: Commencing on the east line of Beale street two hundred and twenty-nine (229) feet and two (2) inches south of Howard street, thence southerly along Beale street forty-five (45) feet and ten (10) inches; thence at right angles easterly one hundred and thirty-seven

[illegible] feet and six (6) inches; thence at right angles northerly [illegible] five (45) feet and ten (10) inches, and thence at right angles westerly one hundred and thirty-seven (137) feet and [illegible] inches to the place of beginning.

SEC. 2. Upon production to the governor of satisfactory [illegible] by any person that he is the successor in interest of said [illegible] Bowman to said above-described lot of land, or to any [illegible] thereof, or that he has acquired the title thereto of said [illegible] Bowman, it shall be the duty of the said governor to [illegible] to the said successor in interest a deed in the name of [illegible] state of California remising, releasing, and quitclaiming [illegible] the right, title, and interest of the state of California [illegible] said lot, or so much thereof as he may have acquired [illegible] from, through, or [illegible] said James Bowman.

[illegible] This act shall take effect immediately.

[illegible] to the successors in interest of Sallie C. Perry [illegible] of the state of California in that certain tract of land in the city and county of San Francisco known as "city slip lot number one hundred and sixteen," and empowering and directing the governor to execute a deed of quitclaim therefor to said successors in interest of said Sallie C. Perry.

[Approved March 9, 1893. Stats. 1893, p. 102.]

[illegible], Under an act entitled "An act to provide for the [illegible] of the interest of the state of California in the property [illegible] the water line front of the city of San Francisco, as [illegible] in and by the act entitled 'An act to provide for the [illegible] of certain property in the state of California,' passed March twenty-sixth, eighteen hundred and fifty-[illegible] approved May eighteenth, eighteen hundred and [illegible] three, and the act amendatory thereof of date May [illegible], eighteen hundred and fifty-five, the governor, controller and secretary of state constituting the board of California land commissioners, did sell to one Sallie C. Perry that certain tract of land in the city and county of San Francisco known as "city slip lot number one hundred and sixteen," and described as follows: Commencing on the [illegible] line of Sacramento street one hundred and eighteen [illegible] feet and four (4) inches west from East Street; thence [illegible] along said northerly line of Sacramento street twenty four (24) feet and four (4) inches, thence at right angles northerly fifty-nine (59) feet and nine (9) inches, thence at right angles easterly twenty four (24) feet and four [illegible] inches, thence at right angles southerly fifty-nine (59) feet and nine (9) inches to the place of beginning, and whereas the deed executed therefor by the aforesaid officers to said Sallie C. Perry, which deed is recorded in liber fifty-seven of deeds at page twenty-five, in the office of the county recorder of the city and county of San Francisco, did incorrectly describe said property; and whereas said Sallie C. Perry has, since the execution to her of the aforesaid deed, parted with the title to said "city slip lot number one hundred and sixteen"; now, therefore,

...., situated in the city and county of San F
and particularly described as follows: Commencin
north line of Sacramento Street one hundred and eigh
feet and four (4) inches west from East Street; thence
along said northerly line of Sacramento Street twenty-
feet and four (4) inches; thence at right angles northe
nine (59) feet and nine (9) inches; thence at right ang
erly twenty-four (24) feet and four (4) inches; thence
angeles southerly fifty-nine (59) feet and nine (9) inche
place of beginning.

SEC. 2. Upon production to the governor of satis
proof by any person that he is the successor in interest
Sallie C. Perry to said above-described lot of land, or a
thereof, or that he has acquired the title thereto of said
C. Perry, it shall be the duty of the said governor to e
to the said successor in interest a deed, in the name
state of California, remising, releasing, and quitclaim
him all the right, title, and interest of the state of Cali
in and to said lot, or so much thereof as he may have ac
title to from, through, or under said Sallie C. Perry.

SEC. 3. This act shall take effect immediately.

*An act regulating the sale of the lands uncovered by the recess
drainage of the waters of inland lakes, and unsegregated s
and overflowed lands, and validating sales and surveys here
made.*

[Approved March 24, 1893; Stats. 1893, p. 341.]

SECTION 1. Any person desiring to purchase any of the
uncovered by the recession or drainage of the waters of i
lakes, and inuring to the state by virtue of her sovereign
the swamp and overflowed lands not segregated by the U
States, shall make an application therefor to the surveyo
eral of the state, which application shall be accompani
applicant's affidavit that he is a citizen of the United S
or has declared his intention to become such, a resident o
state, of lawful age, that he desires to purch
(describing the same by

itual survey thereof, at the expense of the applicant, g four corners to each quarter-section, and connect- ing with a United States survey, and he must, ty days, file with the surveyor-general a copy, under s field-notes and plat, and a statement, under oath, hether or not the land is occupied by any actual

If the surveyor thus authorized shall fail to make to the surveyor-general within the time specified in ng section, the surveyor-general may designate an- n to make the said survey

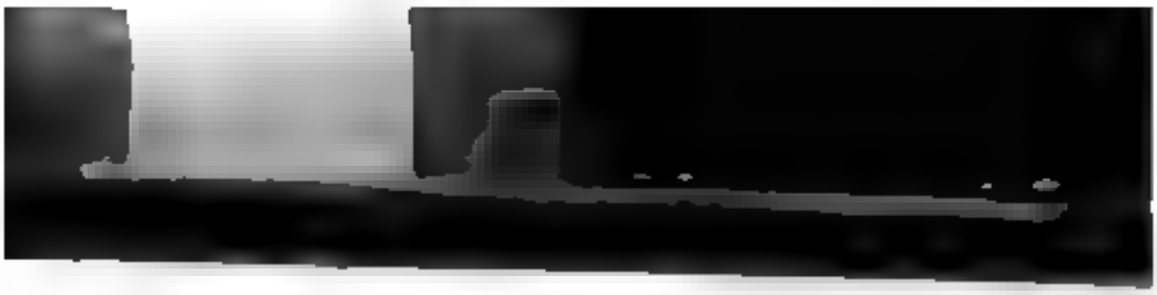
No application to purchase land under this act shall d by the surveyor-general until the expiration of from the filing thereof in his office, and meanwhile all be subject to the adverse claim of any actual has resided thereon when the said application was

The swamp and overflowed lands designated in this s sold and patented at the same price and on the and manner of payment as at present provided for overflowed lands. All moneys received for said overflowed lands shall be paid into the swamp-land county in which the lands are situated, and shall nd disposed of in the manner as moneys arising le of segregated swamp and overflowed lands. If ands are suitable for cultivation without reclama- ands shall be sold only to actual settlers in tracts ng three hundred and twenty acres. Lands un- the recession or drainage of the waters of inland n sold at two dollars and fifty cents per acre, upon rms of payment as for swamp and overflowed land. derived from the sale of such uncovered lands id into the school fund of the county where the

ny of the lands designated in this act which by rtificial overflow, need and are susceptible of rec- ay be reclaimed by the formation of districts in anner and subject to all of the provisions of law he reclamation of swamp and overflowed lands, at the board of supervisors of the county in which r the greater part thereof, are situated must first upon proper petition presented therefor, by the ne title, or evidence of title, representing one half any body of such land, that such reclamation is nd feasible

hen land has been sold under this act, no contest ntained against the purchaser on the ground that nt of the character stated in the application, un- wn that it is not of the character recited in section ght.

ll unsancelled certificates of purchase and patents ued and payments heretofore made for any lands nd overflowed lands which lands belong to any of mprised in section one of this act, whether or not



such lands were segregated or sectionized, shall, for all purposes, be valid, and shall have the same force and effect as if such lands had been at all times subject to sale as swamp and overflowed lands: *provided, however*, that any and all contests now existing between settlers and holders of certificates of purchase shall not be affected by the provisions of this act.

SEC. 9. All plats of any of the lands described in section one of this act which have been heretofore made under authority of the United States surveyor general, and which plats designate the same as swamp and overflowed lands, shall be deemed valid and effectual as surveys of such lands from and after the date thereof.

SEC. 10. This act shall take effect from and after its passage.

3441. Segregation of swamp-lands. 71 Cal. 59; 74 Cal. 175, 88 Cal. 274, 88 Cal. 451; 89 Cal. 73, 89 Cal. 285; 90 Cal. 163; 88 Cal. 591.

3442. Actual settlement. 89 Cal. 73; 89 Cal. 42; 96 Cal. 117, 89 Cal. 385; 90 Cal. 159; 91 Cal. 523; 82 Cal. 139; 88 Cal. 454, 88 Cal. 274.

3443. Application for purchase. 67 Cal. 149, 73 Cal. 625, 74 Cal. 175, 82 Cal. 139; 76 Cal. 116, 83 Cal. 1; 85 Cal. 588; 89 Cal. 150.

3444. Application by woman. 73 Cal. 625.

3445. Official survey. 91 Cal. 528.

3446. Reclamation district is a public corporation: 96 Cal. 601.

Statutes providing for reclamation districts, constitutionality: 66 Cal. 51, 79 Cal. 90.

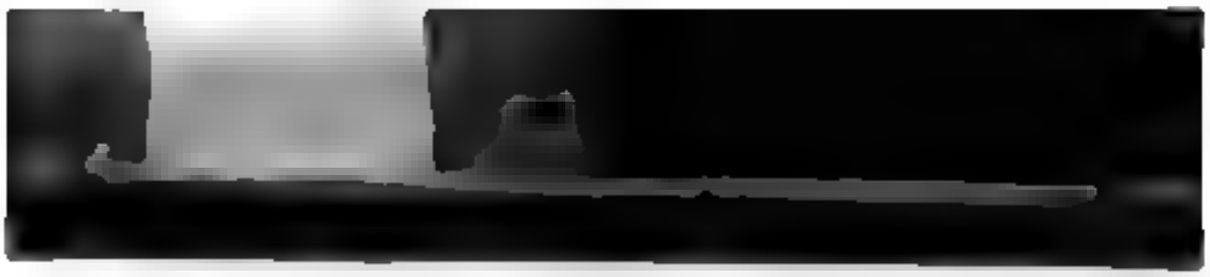
The act entitled "An act to provide for the organization and government of levee districts created for the protection of lands from overflow of innavigable running streams of water, and to confine innavigable running streams to a fixed channel," approved March 10, 1891, containing sections 1 to 41, was repealed March 9, 1893, Stats. 1893, p. 111, sec. 2. The repealed act is as follows:—

An act to provide for the organization and government of levee districts created for the protection of lands from overflow of innavigable running streams of water, and to confine innavigable running streams to a fixed channel.

[Approved March 10, 1891, Stats. 1891, p. 30.]

SECTION 1. Whenever a majority of freeholders owning land injuriously affected, or liable to be injuriously affected, by overflow from any innavigable running stream, or that will be benefited by the prevention of the overflow of any innavigable stream of running water, desire to provide for the prevention of the overflow of such stream, they may propose the organization of a district under the provisions of this act; and when so organized, such district shall have the powers conferred, or that may hereafter be conferred, by law upon such levee districts.

SEC. 2. A petition shall first be presented to the board of supervisors of the county in which the lands or the greatest portion thereof is situated, signed by the required number of freeholders of such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all said costs in case said organization shall not be effected. Such petition shall be presented at a regular meeting of the said board, and the board shall thereupon fix the time for the hearing of said petition, and said petition shall be published for at least two weeks before the time at which the same is to be heard, in some newspaper or newspapers designated by said board, printed and published in the county where said petition is presented, and also a notice shall be published in connection with said petition stating the time of the meeting at which said petition will be heard. At the time fixed for the hearing of such petition, said board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries: *provided*, that said board shall not modify said boundaries so as to except from the operation of this act any territory within the boundaries of the district proposed by said petitioners which may appear to said board of supervisors to be injuriously affected, or liable to be injuriously affected, by the overflow of the stream of water in said district. Said board shall also make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one director shall be elected from each district. Said board of supervisors shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election in a newspaper published within said county; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Levee district — Yes," or "Levee district — No," or words equivalent thereto, and also the names of the persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote under the provisions of this act unless he shall possess all the qualifications required of electors under the general laws of this state; *provided*, that no lands already embraced in



reclamation, levee, or protection districts shall be included in such boundaries.

SEC. 4. Such election shall be conducted in accordance with the general election laws of the state, *provided*, that no particular form of ballot shall be required. The said board of supervisors shall meet on the second Monday next succeeding such election, and proceed to canvass the votes cast thereat, and if upon such canvass it appear that at least a majority of all the votes cast are "Levee District—Yes," the said board shall, by an order entered on their minutes, declare such territory duly organized as a levee district, under the name and style theretofore designated, and shall declare the persons receiving respectively the highest number of votes for such several offices to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of the counties in which any portion of the district may lie, and no board of supervisors of any county including any portion of such district shall, after the date of the organization of such district, allow another district to be formed including any of the lands in such district, without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively for one year or until their successors are elected and qualified. For the purposes of the election above provided for, the said board of supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries thereof, which said precincts may thereafter be changed by the board of directors of such district.

SEC. 5. An election shall be held in such district one year from the first election held, as provided in the foregoing section, and on the same day each succeeding year thereafter, at which election an assessor, a collector, and a treasurer, and a board of five directors for the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto. Within ten days after receiving their certificates of election, hereinafter provided for, such officers shall take and subscribe the official oath, and file the same in the office of the board of directors. The assessor shall execute an official bond in the sum of five thousand dollars, and the collector an official bond in the sum of ten thousand dollars, and the district treasurer an official bond in the sum of twenty-five thousand dollars. But the board of directors shall have the power to change the amount of bonds required of said officers, and in the event that the board of directors increases or decreases the amount of bonds required of the officers above named, such officer or officers shall, within ten days after receiving notice of the changing of

the amount of bond required, file a new bond in the amount [illegible] by the board of directors. All bonds given by such [illegible] are to be approved by the board of directors. Members [illegible] board of directors shall execute an official bond in the [illegible] by the board of supervisors, which said bonds shall be approved by the judge [illegible] in the county in which said county is situated, or was referred, and shall be recorded in the [illegible] and a certified copy thereof shall be filed with the secretary of the board. All official bonds herein provided for shall [illegible] and, except as by law for the official bonds of county [illegible]

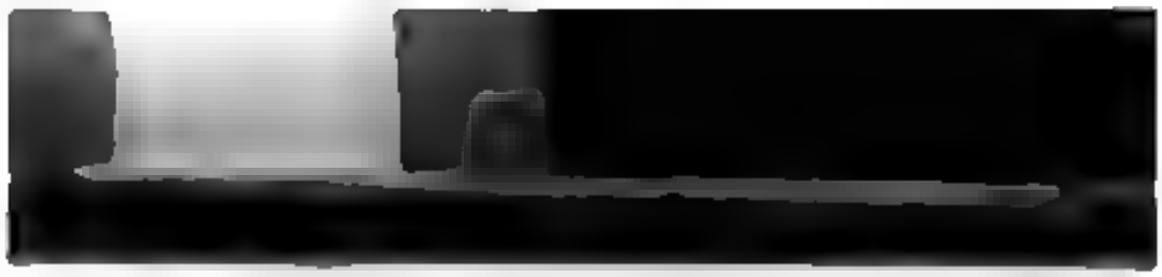
[illegible] days before any election held under this act, [illegible] to the organization of any district, the secretary of [illegible] directors shall cause notices to be posted in three [illegible] in each election precinct of the time and place [illegible] the election and shall also post a general notice of [illegible] at the office of said board, which shall be established [illegible] at some fixed place, to be designated by said board, [illegible] the polling places of each precinct. Prior to the [illegible] posting the notices, the board must appoint for each [illegible] to the electors thereof, one inspector and two [illegible] who shall constitute a board of election for such pre- [illegible] the board fail to appoint a board of election, or the [illegible] appointed do not attend at the opening of the polls [illegible] opening of election, the electors of the precinct present [illegible] may appoint the board, or supply the place of an [illegible] member thereof. The board of directors must, in its [illegible] designating the board of election, designate the house or [illegible] within the precinct where the election must be held.

The inspector is chairman of the election board, and [illegible]

First. Administer all oaths required in the progress of an [illegible]

Second. Appoint judges and clerks if, during the progress [illegible] election, any judge or clerk cease to act. Any member [illegible] board of election, or any clerk thereof may administer [illegible] oaths required to be administered during the pro- [illegible] the election. The board of election for each precinct [illegible] before opening the polls, appoint two persons who shall [illegible] as judges of election. Before opening the polls, each member [illegible] and each clerk must take and subscribe an oath [illegible] faithfully perform the duties imposed upon them by law. [illegible] of the precinct may administer and certify such [illegible] The polls must be opened one hour after sunrise on the [illegible] of the election and be kept open until sunset, when [illegible] must be closed. The provisions of the Political Code [illegible] as to the form of ballots to be used shall not apply to [illegible] held under this act.

Voting may commence as soon as the polls are [illegible] and may be continued during all the time the polls [illegible] open, and shall be conducted as near as practicable [illegible] in accordance with the provisions of title [illegible] of the Political Code of this state. As soon as the [illegible] of the judges shall open the ballot-box and com-



menes counting the votes, and in no case shall the ballot-box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out one by one by the inspector or one of the judges, who shall open them, and read aloud the names of each person contained therein, and the office for which every such person is voted for. Each clerk shall write down each office to be filled, and the name of each person voted for for such office, and shall keep the number of votes by tallies as they are read aloud by the inspector or judge. The counting of votes shall be continued without adjournment until all have been counted.

SEC. 8. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached hereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge, and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof, in the order in which they are entered upon the tally lists by the clerks, and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks and indorsed "Election Returns of (naming the precinct) Precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector or by some other sale and responsible carrier designated by said inspector to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

SEC. 9. No poll, tally paper, or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election, to canvass the returns. If at the time of meeting the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public, and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

SEC. 10. The secretary of the board of directors must, as soon

as the result is declared, enter in the records of such board a statement of such result, which statement must show.

First. The whole number of votes cast in the district, and in each division of the district.

Second. The names of the persons voted for.

Third. The office to fill which each person was voted for.

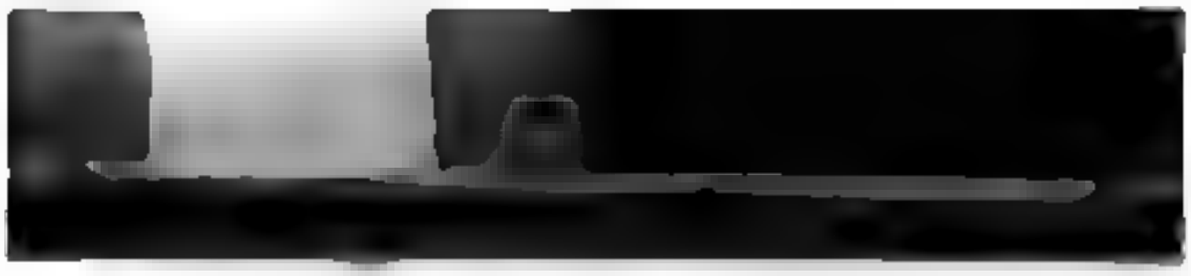
Fourth. The number of votes given in each precinct to each of such persons.

Fifth. The number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector, and treasurer.

The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board. In case of the vacancy in the office of assessor, collector, or treasurer, the vacancy shall be filled by appointment of the board of directors. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of supervisors of the county where the office of such board of directors is situated from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election in said district, and until his successor is elected and qualified.

SEC. 11. On the first Wednesday in the month next following their election, the board of directors shall meet and organize as a board, elect a president from their number, and appoint a secretary. The board shall have power, and it shall be their duty, to establish the channel of any innavigable stream within their district, to adopt and establish a system of works for the prevention of the overflow of any innavigable stream within their district, to construct levees, deepen channels, and do all things necessary to prevent the overflow of any innavigable stream in their district, and to repair and maintain the same. Said board shall be also authorized to make and execute all necessary contracts, employ and appoint such agents, officers, and employees as may be required, and prescribe their duties, and to establish equitable by-laws, rules, and regulations necessary for the carrying on of the business here contemplated.

SEC. 12. The board of directors shall hold a regular monthly meeting at their office on the first Tuesday of every month, and such special meetings as may be required for the proper transaction of business, *provided* that all special meetings must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must be given by the secretary to each member not joining in the order. The order must specify the business to be transacted, and no other than that specified must be transacted at such special meeting. All meetings of the board must be public, and three members of the board shall constitute a quorum for the transaction of business. *On all questions requiring a vote, there shall be a concurrence of at least three members of said board. All records of the board shall be open to the inspection*



of any elector during business hours. The board and its agents and employees shall have the right to enter upon any land in the district to make surveys and may locate the line of any [illegible] under the provisions of this act, and said board shall have the right to acquire, either by donation, purchase or condemnation, any lands or other property necessary for the construction, use, maintenance, repair and improvement of any works constructed or being constructed under the provisions of this act. In case of condemnation, the board shall proceed in the name of the district under the provisions of title seven of part three of the Code of Civil Procedure, and said provisions are hereby made applicable for that purpose. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment of the purchase price thereof. All property acquired under the provisions of this act by any district created hereunder, required in carrying out the provisions of this act is hereby declared to be a public use, subject to regulation and control of the state, in the manner prescribed by law.

SEC. 13. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act, and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided.

SEC. 14. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such levee district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this act or acquired in pursuance thereof, and in all courts, actions, suits, or proceedings the said board may sue, appear, and defend, in person or by attorneys, and in the name of such levee district.

SEC. 15. For the purpose of constructing the necessary levees, channels, or other things or appliances that may be deemed necessary to prevent the overflow of any innavigable stream of water, and acquiring the necessary property, rights of way, privileges, or otherwise carrying out the provisions of this act, the board of directors of any such district must as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised, and shall immediately thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act the question whether or not the bonds of said district shall be issued in the amount so determined, and notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of said notice in some newspaper

published in the county where the office of the board of directors of said district is required to be kept, once a week for at least three successive weeks. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in accordance with the provisions of this act governing the election of officers generally, and no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the board of directors shall thereafter issue bonds in said amount to be issued. Said bonds shall be payable in gold coin of the United States in twenty years, as follows, to wit: At the expiration of eleven years, not less than five per cent of said bonds; at the expiration of twelve years, not less than six per cent; at the expiration of thirteen years, not less than seven per cent; at the expiration of fourteen years, not less than eight per cent; at the expiration of fifteen years, not less than nine per cent; at the expiration of sixteen years, not less than ten per cent; at the expiration of seventeen years, not less than eleven per cent; at the expiration of eighteen years, not less than thirteen per cent; at the expiration of nineteen years, not less than fifteen per cent; and for the twentieth year, a percentage sufficient to pay off said bonds; and shall bear interest at the rate of six per cent per annum, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the fourth National Bank in New York City. Said bonds shall be each of the denomination of not more than one hundred dollars, nor more than five hundred dollars, shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. They shall be numbered consecutively, and shall bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds, when [illegible] express on their face that they were issued by authority of this act, stating the title and date of approval. The secretary shall keep a record of the bonds and shall enter in the [illegible] the price received and the name of the purchaser. Said secretary shall, on the first Monday [illegible] January of each year, file a copy of said record duly certified with the board of supervisors of the county in which said district is situated.

SEC. 16. The board of directors shall have power to [illegible] in such quantities as may be necessary, and [illegible] agreements, in their discretion, for the purchase of said works, the acquisition of said property and rights of all persons to be fully carried out thereby, and by [illegible] the board shall [illegible] meeting any one of the board shall [illegible] the time, declare the intention to sell a specified [illegible] bonds, and the day and hour and place at which [illegible] and the form of such resolution to be entered in the minutes, and notice of the

sale to be given, by publication thereof, at least twenty days, in a daily newspaper published at the county seat in which such district is located, and in any other newspaper at their discretion. The notice shall state that sealed proposals will be received by the board, at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed, the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder, and may reject all bids; but said board shall in no event sell any of the said bonds for less than ninety per cent of the face value thereof.

SEC. 17. Said bonds, and the interest thereon, shall be paid by revenue derived from any annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 18. The assessor must, between the first Monday in March and the first Monday in June in each year, assess all real property in the district to the persons who own, claim, have the possession or control thereof, at its full cash value. He must prepare an assessment-book, with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head,—

First. The name of the person to whom the property is assessed. If the name is not known to the assessor, the property shall be assessed to "unknown owners."

Second. Land by township, range, section, or fractional section, and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon.

Third. City and town lots, naming the city or town and the number and block according to the system of numbering in such city or town, and the improvements thereon.

Fourth. The cash value of real estate, other than city or town lots.

Fifth. The cash value of improvements on such real estate.

Sixth. The cash value of city and town lots.

Seventh. The cash value of improvements on city and town lots.

Eighth. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

Ninth. The total value of all property assessed.

Tenth. The total value of all property after equalization by the board of directors.

Eleventh. Such other things as the board of directors may require.

SEC. 19. The board of directors must allow the assessor as many deputies, to be appointed by him, as will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The compensation must not exceed

five dollars per day for each deputy for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

SEC. 20. On or before the first Monday in August in each year, the assessor must complete his assessment-book and deliver it to the secretary of the board, who must immediately give notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and in the mean time the assessment-book must remain in the office of the secretary, for the inspection of all persons interested.

SEC. 21. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day, as long as may be necessary, not to exceed ten days, exclusive of sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the board may change the valuation as may be just. The secretary of the board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the board, extended into columns and added.

SEC. 22. The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds; and at the expiration of ten years after the issuing of bonds by the board, must increase said assessment for the ensuing ten years in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year, a percentage sufficient to pay off said bonds. The secretary of the board must compute and enter in a separate column of the assessment-book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called the "Bond Fund of —— Levee District." In case of the neglect or refusal of the board of directors to cause such assessment and levy to be made as in this act provided, then the assessment of property made by the county assessor and the state board of equalization shall be adopted, and shall be the basis of assessments for the district; and the board of supervisors of the county in which the office of the board of

directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this act in the same manner and with like effect as if the same had been made by said board of directors; and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the collector or treasurer of the district to perform the duties imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must respectively perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

SEC. 23. The assessment upon real property is a lien against the property assessed from and after the first Monday in March for any year; and such lien is not removed until the assessments are paid on the property sold for the payment thereof.

SEC. 24. On or before the first day of November, the secretary must deliver the assessment-book to the collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be lands situated in more than one county in such district, that said assessments are due and payable, and will become delinquent at six o'clock, P. M., on the last Monday of December next thereafter; and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made. The notice shall also specify a time and place within each election precinct of the district when and where the collector will attend to receive payment of assessments, and shall be published for fifteen days, and a printed copy of said notice shall be posted for the same time in some public place in each precinct. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment-book opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the thirty-first day of December of each year, all unpaid assessments are delinquent, and thereafter the collector must collect thereon, for the use of the district, an addition of five per cent.

SEC. 25. On or before the first day of February, the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week, for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more

enty-eight days from the first publication, and the
ust be at some point designated by the collector.
6. The collector must collect, in addition to the assess-
ts on the delinquent list and five per cent added, fifty
each lot, piece, or tract of land separately assessed, one
which must go to the district, and the other to the col-
r preparing the list. On the day fixed for the sale, or
dsequent day to which he may have postponed it, of
e must give notice the collector between the hours of
ck, A. M. and three o'clock, P. M., must commence the
he property advertised, commencing at the head of the
l continuing alphabetically, or in the numerical order
ds or blocks, until completed. He may postpone the
ommencing the sales, or the sale from day to day, but
must be completed within three weeks from the day
d.
7. The owner or person in possession of any real es-
ted for sale for assessments due thereon may desig-
writing, to the collector, prior to the sale, what portion
property he wishes sold, if less than the whole; but if
er or possessor does not, then the collector may desig-
and the person who will take the least quantity of the
in case an undivided interest is assessed, then the
portion of the interest, and pay the assessments and
e, including two dollars to the collector for the dupli-
ficate of sale, is the purchaser. If the purchaser does
the assessments and costs before ten o'clock, A. M., the
g day, the property, on the next sale day, must be
r the assessments and costs. But in case there is no
er in good faith for the same on the first day that the
r is offered for sale, then when the property is offered
er for sale, and there is no purchaser in good faith for
e, the whole amount of the property assessed shall be
d to the levee district within which such lands are
as the purchaser, and the duplicate certificate deliv-
the treasurer of the district, and filed by him in his
No charge shall be made for the duplicate certificate,
he district is the purchaser, and in such case the col-
ail make an entry—sold to the district—and he shall
ted with the amount thereof in his settlement. A
strict as a purchaser at such sale shall be entitled to
e rights as a private purchaser, and the title so ac-
r the district, subject to the right of redemption herein
d, may be conveyed by deed executed and acknowl-
y the president and secretary of said board; provided,
hority to so convey must be conferred by resolution of
rd, entered on its minutes, fixing the price at which
le may be made, and such conveyance shall not be
r a less sum than the reasonable market value of such
y. After receiving the amount of assessments and
e collector must make out, in duplicate, a certificate,
n the day of sale, stating (when known) the name of
on assessed, a description of the land sold, the amount

[illegible] names, and amount paid, regularly nu
description on the margin of the book, and put a co
ing number on certificate. Such book must be open
inspection, without fee, during office hours, when
tual use. On filing the certificate with such county
the lien of the assessments vests in the purchaser, a
divested by the payment to him, or to the collector f
of the purchase-money, and two per cent per mo
the day of sale until redemption.

SEC. 29. A redemption of the property sold may be
the owner, or any party in interest, within twelve mo
the date of purchase. Redemption must be made i
silver coin, as provided for the collection of state an
taxes, and when made to the collector he must c
amount paid to the person named in the certificate, a
on demand, to the person or his assignees. In each
collector makes to the board of directors, he must
person entitled to redemption money, and the amou
each. On receiving the certificate of sale, the county
must file it and make an entry in a book similar t
quired of the collector. On the presentation of the
the person named in the certificate, or of the collect
use, of the total amount of the redemption money, the
must mark the word "redeemed," the date, and by
deemed, on the certificate, and on the margin of the bo
the entry of the certificate is made. If the property
deemed within twelve months from the sale, the coll
his successor in office, must make to the purchase
assignee, a deed of the property, reciting in the deed
tially the matters contained in the certificate, and tha
son redeemed the property during the time allowed b
its redemption. The collector shall receive from
chaser, for the use of the district, two dollars for mak
deed.

SEC. 30. The matter recited in the certificate of s
be recited in the deed; and such deed duly acknowl
proved is *prima facie* evidence that —

Seventh. The person who executed the deed was the proper officer.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free of all encumbrances, except when the land is owned by the United States or this state, in which case it is *prima facie* evidence of the right of possession.

SEC. 31. The assessment-book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

SEC. 32. When land is sold for assessments, correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale, or renders it void or voidable.

SEC. 33. On the first Monday in each month, the collector must settle with the secretary of the board for all moneys collected for assessments, and pay the same over to the treasurer; and within six days thereafter, he must deliver to and file in the office of the secretary a statement, under oath, showing,—

First. An account of all his transactions and receipts since his last settlement.

Second. That all money collected by him as collector has been paid.

The collector shall also file in the office of the secretary, on said first Monday in each month, the receipt of the treasurer for the money so paid.

SEC. 34. Upon the presentation of the coupons due to the treasurer, he shall pay the same from said bond fund. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of one thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper in each of the cities hereinbefore named, and in any other newspaper which said board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States gold-bearing bonds, or the bonds of the state, which shall be

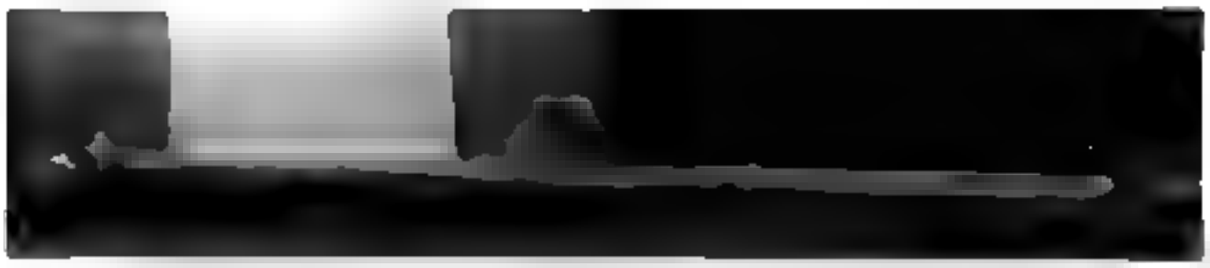
of any elector during business hours. The board and its agents and employees shall have the right to enter upon any land in the district to make surveys, and may locate the levees or any river and levee or other works necessary under the provisions of this act; and said board shall have the right to acquire, either by location, purchase, or condemnation, any lands or other property necessary for the construction, use, maintenance, repair, and improvement of any works constructed or being constructed under the provisions of this act. In case of condemnation the board shall proceed in the name of the district, under the provisions of title seven of part three of the Code of Civil Procedure, and said provisions are hereby made applicable for that purpose. In case of purchase the bonds of the district hereinafter provided for may be used at their par value in the payment of the purchase price thereof. All property acquired under the provisions of this act, by any district created hereunder, required in carrying out the provisions of this act is hereby declared to be a public use, subject to regulation and control of the state, in the manner prescribed by law.

SEC. 13. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for and is hereby dedicated and set apart to, the uses and purposes set forth in this act, and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided.

SEC. 14. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such levee district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this act, or acquired in pursuance thereof; and in all courts, actions, suits, or proceedings the said board may sue, appear, and defend, in person or by attorneys, and in the name of such levee district.

SEC. 15. For the purpose of constructing the necessary levees, channels, or other things or appliances that may be deemed necessary to prevent the overflow of any navigable stream of water and securing the necessary property, rights of way, privileges, or otherwise carrying out the provisions of this act, the board of directors of any such district must as soon after such district has been organized as may be practicable, estimate and order the amount of money necessary to be raised, and shall immediately thereupon call a special election at which shall be submitted to the voters of such district possessing the qualifications prescribed by this act the question whether or not the levees and district shall be issued in the amount so determined, and notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of said notice in some newspaper

published in the county where the office of the board of direc-
said district is required to be kept, once a week for at
successive weeks. Such notice must specify the
the amount of bonds proposed to
said election must be held at the result
declared in all respects, as nearly as
in conformity with the provisions of this act gov-
the election of officers; *provided*, that no formalities
such an election shall invalidate the same, if
shall have been otherwise substantially observed. At
the ballots shall contain the words "Bonds —
Bonds — No" or words equivalent thereto. If a
of the votes cast are "Bonds — Yes," the board of di-
shall immediately cause bonds in said amount to be
said bonds shall be payable in lawful money of the
States, in instalments as follows, to wit: At the ex-
of seven years, not less than five per cent of said
at the expiration of twelve years, not less than six per
at the expiration of thirteen years, not less than seven
per cent, at the expiration of fourteen years, not less than
per cent at the expiration of fifteen years, not less than
per cent at the expiration of sixteen years, not less
per cent at the expiration of seventeen years, not
per cent, at the expiration of eighteen years,
per cent, at the expiration of nineteen
not less than [illegible] per cent. And it shall be the twentieth
year after the issuance of said bonds, and shall
bear interest at the rate of six per cent per annum, payable
on the first day of January and July of each
year after the first and the last payment of principal and interest
shall be payable at the
National Bank in New York City. Said bonds shall be
in denominations of not less than one hundred dollars
nor more than five hundred dollars, shall be engraved
with the words and figures hereinbefore required, and shall be signed by the president and secretary, and the seal of
the board of directors affixed thereto. They shall be
numbered consecutively as issued, and bear date at the time
when the coupons for the interest shall become payable. There shall be
attached thereto coupons for the interest, which shall be authorized by the secretary. Said bonds shall express
on their face that they were issued by authority of this act,
and the date of its passage. The secretary shall keep
a record of the bonds and their number, to whom sold, the
price received, and the name of the purchaser. And the secretary
shall, on the first Monday of January of each year,
file a copy of said record, duly certified, with the board of
supervisors of the county in which said district was created.
The board of directors shall, from time to time,
and as may be necessary, by ordinance,
for the collection of such annual assessments,
of all property and rights, and fully refer to
the years and purposes for which the same shall be
levied, and shall cause the proceeds of such assessments to be applied to the payment of the bonds,
and interest thereon, as specified aforesaid, and shall cause
the same to be entered in the minutes, and notice of the



from the aggregate assessed value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessments so levied shall be computed and entered on the assessment roll by the secretary of the board and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the district treasury for the purposes specified in the notice of such special election.

SEC. 61. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever either by issuing bonds or otherwise in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

SEC. 62. This act shall take effect from and after its passage.

An act providing for appeals from orders of the board of supervisors forming or refusing to form reclamation or swamp and overflow districts, adding land from such districts or excluding lands to such districts or consolidating swamp and or reclamation districts.

[Approved March 11, 1909. Stats. 1909, p. 176.]

SECTION 1. Any person having an interest affected by any order of the board of supervisors of any county approving or refusing to approve any petition for the formation of a reclamation or swamp and overflow reclamation district or in any manner creating or consolidating such districts, or including in or excluding from such district any lands may within thirty days after said order is made appeal therefrom to the superior court of the county.

SEC. 2. Such appeal shall be taken and prosecuted in the manner prescribed by law and the rules of said superior court relating to appeals from interlocutory orders and the matter shall be tried anew in said superior court. The judgment rendered in the superior court in such matter shall be final. Each superior court held in any county of the state in which there are any reclamation or swamp and overflow reclamation districts shall make rules regulating appeals in the cases hereinbefore mentioned and the clerk of the board of supervisors shall, upon a notice of appeal and undertaking on appeal being filed with him therein, file the same and all papers and documents used on the hearing had in said board in the clerk of the superior court in and for said county who shall thereupon file the same without receiving any fee therefor.

SEC. 3. This act shall take effect and be in force from and after its passage.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

An act to provide for funding the indebtedness of levee district number six of Sutter County and to provide for the payment of such funded debt.

[Approved March 31, 1911; Stats. 1911, p. 338.]

SECTION 1. The board of directors of levee district number six, of Sutter County, are hereby authorized and empowered

to prepare and provide bonds of said levee district, not exceeding the aggregate amount of fifteen thousand dollars, for the purpose of providing funds for the payment of funding the indebtedness of said levee district.

SEC. 2. The bonds shall designate the levee district by its corporate name; shall be issued in sums of not less than one hundred dollars; shall be made payable in twenty years after date; shall bear interest at the rate of six per cent per annum, interest payable annually on the first day of July of each year. The principal and interest shall be payable in United States gold coin, at the office of the county treasurer of Sutter County. The bonds shall be numbered consecutively, and bear the same date, although issued at different times; shall be signed by the chairman of the board of directors, and countersigned by the auditor of Sutter County, and shall express on their face that they are issued by authority of this act, stating its title and date of approval. Coupons for the interest shall be so attached to each bond that they may be detached without mutilating the bond, each of which coupons shall be signed by the chairman of the board of directors.

SEC. 3. The bonds, or any part thereof, may be sold under the direction of the board of directors to the person or persons who will pay the highest price therefor; *provided*, that no bond shall be sold for less than par in gold coin, and the purchaser whose bid shall be accepted shall pay the county treasurer, to the credit of said district, the amount of such bid in gold coin, and the treasurer shall receipt for the same; and such purchaser shall, upon delivery of such receipt to the county auditor, be entitled to receive the bonds so purchased; *provided*, that before delivery of such bonds the auditor shall detach therefrom all coupons for accrued interest; *provided further*, that the board of directors are hereby authorized and required to apply said bonds, valued at par, to the funding, by receiving in exchange at par all outstanding warrants which have been legally issued against said levee district, with interest on such warrants from date of their registration. In such funding, interest shall be allowed on such warrant to the first of July next ensuing, and the auditor shall remove from the bond, before delivery, all coupons for accrued interest to that date, which coupon shall be marked as canceled by adding the word "unpaid."

SEC. 4. It shall be the duty of the auditor and treasurer, each, to keep a separate record of all bonds issued under the authority of this act, showing the date of issue, the number, amount, to whom issued, and whether for coin or for funding, with a description of the warrants funded.

SEC. 5. Said levee directors shall annually, and at the time of levying the taxes for other purposes of said district, levy a tax in addition to all other taxes levied for said district, sufficient in amount to provide for the payment of the interest on all outstanding bonds of said district, and after two years an amount sufficient to pay one eighteenth of the principal of all bonds then sold and outstanding against said district; *provided*,

($200) two hundred dollars collected for the purpose of
ing the principal of said bonds, or whenever there sha
time remain a surplus of two hundred dollars or mo
interest or sinking fund of said district, he shall adv
some public manner, to be prescribed by the director
district, for thirty days, for sealed proposals for the
tion of said bonds; said advertisement specifying the
hour when and the place where such proposals will be
At the time and place specified, the treasurer shall o
proposals in the presence of such persons as may be
and shall redeem such bonds as are offered at the lov
to said levee district; *provided*, that no bonds shall be r
at more than par; *provided further*, that if proposals
offered at par, or less, sufficient to exhaust the am
hand applicable to redemption, the treasurer shall pu
ten days, in a daily newspaper published in San F
having general circulation in the state, that he will
bond or bonds of said district, commencing with the
number and giving the amounts, and that at the expi
thirty days from the date of the notice, if said bond
presented for redemption, the interest thereon will clc
and after which time no interest shall be allowed
bonds. All bonds redeemed shall be by the treasurer
"paid," and delivered to the auditor for cancellation.

SEC. 8. This act shall take effect immediately.

*An act to define the boundary and provide for the gover
levee district number six, of Sutter County, Californ*

[Approved March 31, 1891; Stats. 1891, p. 237.]

SECTION 1. All that certain territory in Sutter Coun
fornia, bounded as follows, to wit: Beginning at a poir
line of the levee, on the east side of Feather River, wl
line between the lands of D. H. Redfield and of the
N. Algiers (as said lands were owned in the year eighte
dred and seventy-one) intersects said levee; thence so
erly, along said dividing line, to the southeasterly c

said ravine; thence west, about one hundred and twenty chains, to the corner common to sections two, three, ten, and eleven in township eleven north, range three east; thence north twenty chains; thence west, about one mile, to the east bank of said Feather River; and thence up said Feather River, following the bank of the same and the westerly line of said levee, to the place of beginning,—containing six thousand seven hundred and twenty-five acres, is hereby set apart and erected into a levee district, to be known as levee district number six, of Sutter County.

SEC. 2. The board of supervisors of Sutter County shall, at their first regular meeting after the passage of this act, cause an election to be held at a point to be designated by said board within the boundaries of said levee district number six for the purpose of electing three directors, one assessor, and one tax collector for said levee district number six. Notices of such election must be posted in three public places in said district for ten days before election; said notices shall name the time and place of election, the name of the officers to be filled, and also one inspector and two judges of election. At said election, none shall be permitted to vote except the qualified electors of the district. Said election shall be by ballot. The returns, in accordance with the general election law now in force, shall be made to the board of supervisors of said county, which board of supervisors shall meet on the first Monday after said election and canvass the said returns and declare the result, and the county clerk shall issue certificates of election to the persons so declared elected.

SEC. 3. The directors shall, each, within ten days after receiving a certificate of election, take the usual oath of office, and file it in the county clerk's office, and they shall at their first meeting decide, by lot, so that one shall go out of office on the first Monday of March, eighteen hundred and ninety-two, another on the first Monday of March, eighteen hundred and ninety-three, and another on the first Monday of March, eighteen hundred and ninety-four. At said first meeting they shall elect a chairman and a clerk from their number, and a majority shall be a quorum for transaction of business. The board of directors are hereby constituted and declared to be the legal representatives and successors of the board of supervisors of Sutter County in all matters pertaining to levee district number six, and they are hereby authorized to take absolute charge, control, and possession of the levees of said district number six, and to construct any other levees or works of protection that they may deem necessary or proper to protect any property in said district number six, and to repair and strengthen the same; to make rules and regulations for keeping said levees in proper condition; to examine them in person, at all times; guard them against breaks; to have, at all times, exclusive control and management of the same, and to perform all duties and to be invested with all the powers pertaining to said district number six heretofore devolving on or invested in the said board of supervisors, except as herein otherwise provided. All bills and accounts against said dis-

, ... a description of the land s
ing with the description in the certificate, the
purchasers' names, and amount paid, regula
description on the margin of the book, and p
ing number on certificate. Such book must l
inspection, without fee, during office hours,
tual use. On filing the certificate with such c
the lien of the assessments vests in the purch
divested by the payment to him, or to the colle
of the purchase-money, and two per cent p
the day of sale until redemption.

SEC. 29. A redemption of the property sold n
the owner, or any party in interest, within twel
the date of purchase. Redemption must be n
silver coin, as provided for the collection of sta
taxes, and when made to the collector he m
amount paid to the person named in the certific
on demand, to the person or his assignees. In
collector makes to the board of directors, he r
person entitled to redemption money, and the
each. On receiving the certificate of sale, the cc
must file it and make an entry in a book sim
quired of the collector. On the presentation of
the person named in the certificate, or of the cc
use, of the total amount of the redemption mone
must mark the word "redeemed," the date, and
deemed, on the certificate, and on the margin of t
the entry of the certificate is made. If the prop
deemed within twelve months from the sale, th
his successor in office, must make to the pur
assignee, a deed of the property, reciting in the
tially the matters contained in the certificate, an
son redeemed the property during the time allov
its redemption. The collector shall receive f
chaser, for the use of the district, two dollars for
deed.

SEC. 30. The ma...

Second. The person who executed the deed was the proper officer.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free of all encumbrances, except when the land is owned by the United States or this state, in which case it is *prima facie* evidence of the right of possession.

SEC. 31. The assessment book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

SEC. 32. When land is sold for assessments, correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale, or renders it void or voidable.

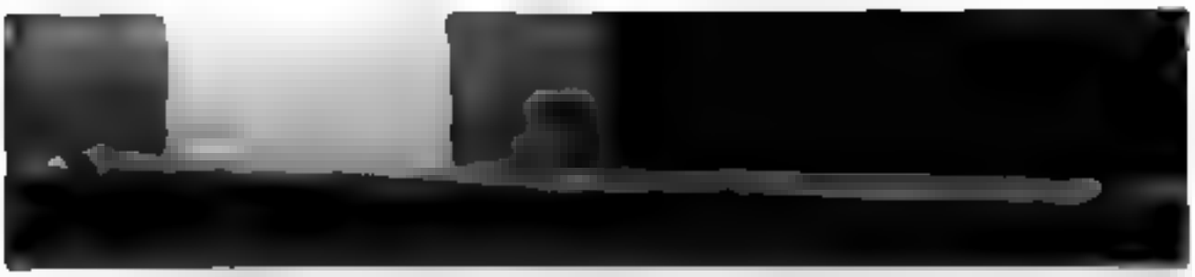
SEC. 33. On the first Monday in each month, the collector must settle with the secretary of the board for all moneys collected for assessments, and pay the same over to the treasurer, and within six days thereafter, he must deliver to and file in the office of the secretary a statement, under oath, showing,—

First. An account of all his transactions and receipts since his last settlement.

Second. That all money collected by him as collector has been paid.

The collector shall also file in the office of the secretary, on said first Monday in each month, the receipt of the treasurer for the money so paid.

SEC. 34. Upon the presentation of the coupons due to the treasurer, he shall pay the same from said bond fund. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of one thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper in each of the cities hereinbefore named, and in any other newspaper which said board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted, provided, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States gold-bearing bonds, or the bonds of the state, which shall be



kept in said bond fund, and may be used to redeem said district bonds whenever the holders thereof may desire.

SEC. 35. After adopting a plan of said levees, channels, and works, the board of directors shall give notice by publication thereof not less than twenty days in one newspaper published in each of the counties comprising the district (provided a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of said work, or of any portion thereof. If less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public, and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence, with the labor of the residents of the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for double of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

SEC. 36. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned by the secretary, provided that the board may draw, from time to time, from the construction fund, and deposit in the county treasury of the county where the office of the board is situated, any sum in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safekeeping and disbursement of the same, as in this act provided. He shall pay out the same, or any portion thereof, to the treasurer of the district only, and only upon the order of the board, signed by the president and attested by the secretary. The said county treasurer shall report in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The district treasurer shall also report to the board in writing, on the first Monday in each month, the amount of money in the district treasury, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

SEC. 37. The cost and expense of purchasing and acquiring property, and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, and current expenses thereof, including salaries of officers and employees, and for the repair and improvement of such portions of any levee or channel constructed by any district, the board of directors may annually levy assessments therefor, and for that purpose said board shall have the same powers and functions for the purposes of said levy as are now possessed by boards of supervisors in this state. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this act relating to the payment of principal and interest of bonds herein provided for.

SEC. 38. The board of directors shall each receive four dollars per day, and mileage at the rate of ten cents per mile, in attending meetings, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to the other officers named in the act, to be paid out of the treasury of the district; *provided*, that said board shall, upon the petition of at least fifty, or a majority, of the freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

SEC. 39. No director, or any other officer named in this act, shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 40. The board of directors may, at any time, when in their judgment it may be advisable, call a special election, and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section fifteen of this act. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be used. At such elections the ballot shall contain the words "Assessment—Yes," or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by deducting fifteen per cent for anticipated delinquencies

from the aggregate assessed value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessments so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the district treasury for the purposes specified in the notice of such special election.

SEC. 41. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

SEC. 42. This act shall take effect from and after its passage.

An act providing for appeals from orders of the board of supervisors forming or refusing to form reclamation or swamp land districts, setting off lands from such districts, or including lands in such districts, or consolidating swamp land or reclamation districts.

[Approved March 11, 1893. Stats. 1893, p. 174.]

SECTION 1. Any person having an interest affected by any order of the board of supervisors of any county approving or refusing to approve any petition for the formation of a reclamation or swamp-land reclamation district, or in any manner creating or consolidating such districts, or including in or excluding from such district any lands, may, within thirty days after said order is made, appeal therefrom to the superior court of the county.

SEC. 2. Such appeal shall be taken and prosecuted in the manner prescribed by law and the rules of said superior court relating to appeals from inferior courts, and the matter shall be tried anew in said superior court. The judgment rendered in the superior court in such matter shall be final. Each superior court in any county of the state in which there are any reclamation or swamp-land reclamation districts shall make rules regulating appeals in the cases herein mentioned, and the clerk of the board of supervisors shall, upon a notice of appeal and undertaking on appeal being filed with him, transmit the same, and all papers and documents used on the hearing before said board, to the clerk of the superior court in and for said county, who shall thereupon file the same without receiving any fee therefor.

SEC. 3. This act shall take effect and be in force from and after its passage.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

An act to provide for funding the indebtedness of levee district number six of Sutter County and to provide for the payment of such funded debt.

[Approved March 31, 1891. Stats. 1891, p. 255.]

SECTION 1. The board of directors of levee district number six, of Sutter County, are hereby authorized and empowered

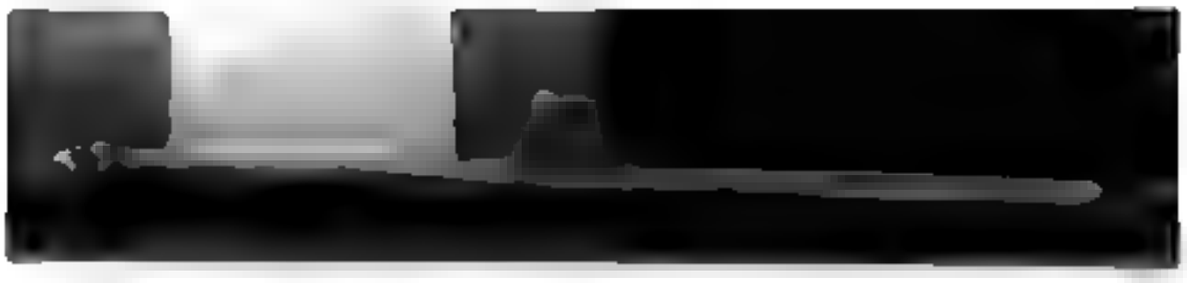
to prepare and provide bonds of said levee district, not exceeding the aggregate amount of fifteen thousand dollars, for the purpose of providing funds for the payment of funding the indebtedness of said levee district.

SEC. 1. The bonds shall designate the levee district by its corporate name; shall be issued in sums of not less than one hundred dollars; shall be made payable in twenty years after date; shall bear interest at the rate of six per cent per annum, interest payable annually on the first day of July of each year. The principal and interest shall be payable in United States gold coin, at the office of the county treasurer of Butler County. The bonds shall be numbered consecutively, and bear the same date, although issued at different times; shall be signed by the chairman of the board of directors and countersigned by the auditor of Butler County, and shall express on their face that they are issued by authority of this act, stating its title and date of approval. Coupons for the interest shall be so attached to each bond that they may be detached without mutilating the bond, each of which coupons shall be signed by the chairman of the board of directors.

SEC. 2. The bonds, or any part thereof, may be sold under the direction of the board of directors to the person or persons who will pay the highest price therefor; provided that no bond shall be sold for less than par in gold coin, and the purchaser whose bid shall be accepted shall pay the county treasurer, to the credit of said district, the amount of such bid in gold coin, and the treasurer shall receipt for the same; and such purchaser shall, upon delivery of such receipt to the [illegible] auditor, be entitled to receive the bonds so purchased; provided, that before delivery of such bonds the auditor shall detach therefrom all coupons for accrued interest; provided further, that the board of directors are hereby authorized and required to apply said bonds, valued at par, to the funding by receiving in exchange at par all outstanding warrants which have been legally issued against said levee district, with interest on such warrants from date of their registration; in such funding interest shall be allowed on such warrant to the first of July next ensuing, and the auditor shall remove from the bond before delivery all coupons for accrued interest to that date, which coupon shall be marked as canceled by adding the word "unpaid."

SEC. 4. It shall be the duty of the auditor and treasurer, each, to keep a separate record of all bonds issued under the authority of this act, showing the date of issue, the number, amount, to whom issued, and whether for coin or for funding, with a description of the warrants funded.

SEC. 5. Said levee directors shall annually, and at the time of levying the taxes for other purposes of said district, levy a tax, in addition to all other taxes levied for said district, sufficient in amount to provide for the payment of the interest on the outstanding bonds of said district, and after two years an amount sufficient to pay one eighteenth of the principal of all bonds then sold and outstanding against said district; provided,



that no bonds shall be sold hereunder after the payment of the second year's interest.

SEC. 6. The funds levied and collected, as provided in the preceding section, for the payment of the principal and interest shall not be appropriated to any other purpose whatever.

SEC. 7. The treasurer of Sutter County shall, on the first day of July each year, pay the interest falling due on the bonds issued under this act out of the money for that purpose in his possession. Whenever there is in his hands any sum exceeding [illegible] two hundred dollars collected for the purpose of redeeming the principal of said bonds, or whenever there shall at any time remain a surplus of two hundred dollars or more in the interest or sinking fund of said district, he shall advertise in some public manner to be prescribed by the directors of said district, for thirty days, for sealed proposals for the redemption of said bonds, said advertisement specifying the day and hour when and the place where such proposals will be opened. At the time and place specified, the treasurer shall open said proposals in the presence of such persons as may be present, and shall redeem such bonds as are offered at the lowest rate to said levee district; provided that no bonds shall be redeemed at more than par; provided further, that if proposals are not offered at par, or less, sufficient to exhaust the amount on hand applicable to redemption, the treasurer shall publish for ten days, in a daily newspaper published in San Francisco having general circulation in the state, that he will redeem bond or bonds of said district, commencing with the highest number and giving the amounts, and that at the expiration of thirty days from the date of the notice, if said bonds are not presented for redemption, the interest thereon will cease, from and after which time no interest shall be allowed on such bonds. All bonds redeemed shall be by the treasurer marked "paid," and delivered to the auditor for cancellation.

SEC. 8. This act shall take effect immediately.

An act to define the boundary and provide for the government of levee district number six, of Sutter County, California.

[Approved March 31, 1891. Stats. 1891, p. [illegible].]

SECTION 1. All that certain territory in Sutter County, California, bounded as follows, to wit: Beginning at a point on the line of the levee on the east side of Feather River, where the line between the lands of D. H. Redfield and of the estate of [illegible] as said lands were owned in the year eighteen hundred and seventy-one, intersects said levee; thence southeasterly, along said dividing line, to the southeasterly corner of said Redfield's land; thence southwesterly and south, following the westerly boundary of levee district number two to the center of section two, in township twelve north, range three east; thence east forty chains to the quarter section corner on range line between ranges three and four east; thence south one hundred and twenty chains to the north bank of Auburn Ravine; thence southwesterly, following said Auburn Ravine, to the point where the line between sections one and twelve in township eleven north, range three east, intersects

said ravine thence west, about one hundred and twenty chains to the corner common to sections two, three, ten, and eleven in township eleven north range three east thence west twenty chains thence west, about forty rods, to the east bank of said Feather River, and thence up said Feather River, following the bank of the same and the westerly line of said section to the place of beginning, containing six thousand one hundred and twenty-five acres, is hereby set apart and created into a levee district, to be known as levee district number six, of Sutter County.

SEC. 2. The board of supervisors of Sutter County shall, at their next regular meeting after the passage of this act, cause an election, to be held at a point to be designated by said board within the boundaries of said levee district number six for the purpose of electing three directors, one assessor, and one collector for said levee district number six. Notices of said election must be posted in three public places in said district ten days before election, said notices shall name the time and place of election, the names of the officers to be filled, and appoint a inspector and two judges of election. At said election, none shall be permitted to vote except the qualified electors of the district. Said election shall be by ballot. The returns, in accordance with the general election law now in force, shall be made to the board of supervisors of said county, and said board of supervisors shall meet on the first Monday thereafter, canvass the said returns and declare the result, and the county clerk shall issue certificates of election to the persons so declared elected.

SEC. 3. The directors shall, each, within ten days after receiving notice of their election, take the usual oath of office, and file it in the county clerk's office, and they shall at their first meeting decide by lot so that one shall go out of office on the first Monday of March, eighteen hundred and forty-two, another on the first Monday of March, eighteen hundred and forty-three, and another on the first Monday of March, eighteen hundred and forty-four. At said first meeting they shall elect one of their number and a clerk from their number, and a majority shall be a quorum for transaction of business. The board of directors are hereby constituted and declared to be the lawful successors and successors of the board of supervisors of Sutter County in all matters pertaining to levee district number six, and they are hereby authorized to take charge, control, and possession of the levees of said district number six, and to construct any other levees or extensions that they may deem necessary or proper to protect any property in said district number six, and to regulate and control the same; to make rules and regulations for keeping said levees in proper condition, to examine them in person, at all times, guard them against breaks, to have, at all times, control and management of the same, and perform such duties and to be invested with all the powers relating to said district number six heretofore devolving upon or exercised by the said board of supervisors, except as herein otherwise provided. All bills and accounts against said dis-

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..., and register all warrants drawn by him in t.
their issue.

SEC. 4. The term of offi... of directors is three ye
as provided in section three hereof, and of assess
collector two years. Should a vacancy occur in th
directors, it shall be filled by appointment by the
members, and the person so appointed shall hold th
the unexpired term. Should a vacancy occur in th
assessor and tax collector, it shall be filled by a sp
tion, to be conducted in all respects as elections pr
in the next section hereof.

SEC. 5. All elections, after the first herein provid
the election of officers of said district number six sh
on the second Tuesday of December of each year, and
of the officers elected shall commence on the first M
March next ensuing; the board of directors are h
quired to post notices of such election in three pub
in said district number six, for ten days before electi
notices shall specify the time and place of election, t
to be filled, and name one inspector and two judges of
Said election shall be by ballot, and the polls shal
open from one o'clock to five o'clock, P M. Returns
inbefore provided, shall be made to the said board
visors, who shall, on the first Monday of January next
canvass said returns, and the county clerk shall issu
cates as provided in section two hereof.

SEC. 6. Every officer elected hereunder shall, before
upon the duties of his office, take the usual oath of of
file the same in the county clerk's office. Within thi
after his election, said assessor and tax collector sh
into proper bonds, in an amount to be fixed by the sa
of directors, payable to said levee district number si
tioned for the faithful performance of his duties. Sa
shall be approved by and filed with said board of d
All officers shall hold until their successors are elect
pointed and qualified. Said assessor and collector sh
while in the discharge of their duties, all the powers
thority given by law, respectively, to county assessors
collectors.

SEC. 7. It shall be the duty of the district ...
the first M...

roll to be prepared by him and when completed to deliver the same to said board of directors.

Sec. 5. When the board of directors shall receive the district assessment roll, they shall at once give notice, posted in three public places in the district for at least ten days, that said assessment roll is in their possession, and open for inspection, and that they will sit as a board of equalization, commencing on a day and at a place to be named in said notices and will continue in session from day to day until such equalization is completed and will hear and determine all complaints as regards valuations and assessments thereon. The board of equalization shall have power to determine all complaints and objections that may come before them, and may increase or lower assessments and valuations as to them may seem proper, at any regular session for that purpose, upon five days personal notice to the person in possession of the property. The clerk shall note all alterations made in valuations or assessments, and within three days after the completion of equalization he shall enter the total values as finally equalized by the board, extended in columns and added up; and in order to find the number of taxes necessary to be levied, the board of directors shall find:

First. The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the bonded debt of said district number six.

Second. The probable amount that may be needed for repairs and strengthening, but for which amount the tax shall not exceed two per cent, except upon petition of two thirds of the tax payers of the district.

Third. The amount needed for salaries, fees, and delinquencies.

Fourth. The amount of floating debt which is required to be paid during the then current year.

And from these several amounts shall find the rate of per cent required to produce the fund needed for the current year, and as soon as the tax has been determined, as provided herein, to each tax payer, the directors must place the assessment roll in the hands of the tax collector.

Sec. 6. When the district tax collector shall receive the district assessment roll from the directors, he shall at once give notice of the fact, and that the taxes are due and are payable at his office, and if not paid on or before the first Monday of January next succeeding, the same will become delinquent, and will be collected under the same laws, rules, and regulations as apply to the collection of delinquent state and county taxes, the said district tax collector being hereby invested with all and the same powers to make collection of taxes by sale and conveyance of real estate as is or may be hereafter conferred on the county tax collector. The taxes levied and collected by virtue of this act shall be paid into the county treasury and placed to the credit of said levee district number six, and shall thereafter be paid out *only in the manner hereinafter provided. The tax collector shall make his settlement with the clerk of the board of directors in the same manner as is pro-*

..., and pay the same out as ...
...ded in the law authorizing such bonded debt. H
next pay out of such money, in the order of their issuan
warrants drawn as hereinbefore provided.

SEC. 11. If, through resignation, death, or otherwise, should be no quorum of said board of directors, or if, fro cause, said board of directors should refuse to perfor duties hereby imposed, then the power and authority o directors shall devolve upon and must be exercised b members of the board of supervisors.

SEC. 12. The district attorney of said county is herel quired to give the directors the same legal advice, and o same terms, as he gives to the said board of supervisors; he is also to give legal advice, when required, free of char said district tax collector and assessor.

SEC. 13. The directors shall receive not to exceed two do per day each, while attending to the duties herein requir him. The district assessor shall receive a reasonable sum his services hereunder, not to exceed thirty dollars per ann The district tax collector shall receive, for his services h under, not exceeding three fourths of one per cent of moneys collected and paid over by him to the county treasu and the county treasurer shall receive, for his services h under, not exceeding one half of one per cent on all mon received by him for the district. The election officers her provided for shall receive no compensation.

SEC. 14. All acts and parts of acts in conflict with the p visions of this act are hereby repealed.

SEC. 15. This act shall take effect immediately.

An act providing for the payment of all moneys in the state tr ury to the credit of swamp-land district funds to the treasu of the counties wherein the said swamp-land districts are s ated, and to provide for the control of the same by the aud and treasurer of said counties, and prescribing the duties of con'roller and treasurer in relation thereto.

[Approved March 31, 1891. Stats. ---

SEC. 2. Immediately after drawing his warrant in favor of the respective county treasurers, the controller shall notify the proper county auditor of the same, stating the amount of the order, and the auditor shall charge the same to the treasurer, and the money shall be subject, under those officers, to drafts such as are now by law made upon the controller, and shall be paid by the county treasurer in like manner as drafts are now paid by the state treasurer.

SEC. 3. In all cases wherein a swamp-land district comprises territory made up of portions of two or more counties, the controller may draw his warrant in favor of any one of the county treasurers, and the auditor of that county shall apportion said money to the several counties containing any of the lands of said swamp-land district, proportionate to the value of each county in said district, and shall notify the auditor and treasurer of the several counties interested, draw a warrant for the amount due each county, and the treasurer shall pay the same. And the auditor and treasurer of the proper counties shall credit said moneys, and dispose of the same, as are now provided for moneys paid from the state treasury.

SEC. 4. This act shall take effect immediately.

An act to amend section three and section thirteen of an act entitled "An act to promote drainage" approved March 18, 1885.

[Approved March 31, 1891; Stats. 1891, p. 262.]

SECTION 1. Section three of above-entitled act is hereby amended to read as follows:

SEC. 3. If the board of supervisors find, upon the hearing of such petition, that lands have been improperly included in the district, they may, before fixing the final boundaries, exclude from such district any lands which may have been included, or include any lands adjacent thereto, on petition of the owner of such land presented at such time of hearing, as they may deem for the best interests of such district, and they may then define the boundaries, declare the district duly formed, and the persons named in the petition for the formation of such district to be the trustees for the first three months, or until their successors are appointed.

SEC. 2. Section thirteen of the above-entitled act is hereby amended to read as follows:

SEC. 13. The commissioners appointed by the board of supervisors must make a list of the charges assessed against each district of land, and the list must contain a description of each tract assessed, the number of acres in each tract, and the names of the owners on each tract, if known, and if not known, the amount of charges assessed against each tract; and the board of commissioners must, on completion of such list, cause a notice to be published in some paper published in the county where such district is situated, and also have such notice posted in three places on such district, to the effect that the said commissioners will, in ten days from the publication of such notice, meet (and they shall also name the time

...from and after its passa...

...Land in different counties: 66 Cal. 54.

3454. *Powers of boards of trustees of reclamation d tricts.* The board of trustees shall have power to el one of its members president thereof; to employ engine and others to survey, plan, locate, and estimate the c of the works necessary for the reclamation of the lands the district; to thereafter, at any time, in its discretio modify or change such original plan or plans, or ado new, supplemental, or additional plan or plans, when, i its judgment, the same shall have become necessary; t acquire, by purchase, condemnation, or otherwise, th right of way, and the right to take material for the con struction of all works necessary for the accomplishmen of that object, including drains, canals, sluices, bulkheads, water-gates, levees, and embankments, and to construct, maintain, and keep in repair all works requisite and necessary to that end; and to do all other acts and things necessary or required for the reclamation of the lands embraced in the district. And the several members of the board shall each be entitled to receive, for actual and necessary services performed, and for expenses incurred by them, respectively, for and in the interest of the district, such compensation as the board may determine to be just and reasonable and shall allow, and the same shall constitute an indebtedness of the district, for which warrants of the district must be drawn and paid in the same manner and out of the same fund as other ...

trict: provided, ...

portion of the district is situated, such original plan or plans of the work, and every such new, supplemental, or additional plan, if any, together with estimates of the cost of the works necessary for the reclamation of the lands of the district in pursuance of any such plan or plans; together, also, with estimates of incidental expenses of superintendence, repairs, and the cost of collection of assessments, etc. [*Amendment approved March 31, 1911; Stats. 1911, p. [illegible], in effect immediately.*]

3456 Viewing land [illegible]

Assessment [illegible]

Legislative validation of district [illegible]

3459 Additional assessment. [illegible]

3460 *Swamp-land districts.* The commissioners appointed by the board of supervisors must make a list of the charges assessed against each tract of land, and if there be any error or mistake in the description of the land, or in the name of the owner, or if any land which should be assessed has been or shall be omitted from the list, or if there is any error or mistake in any other respect, the commissioners shall amend or correct the same at any time, either before or after the lists shall have been filed with the treasurer of the county. [*Amendment approved March 31, 1901, Stats. 1901, p. 284, in effect immediately.*]

Land omitted [illegible]

3466 *Reclamation districts — Unpaid assessments bear interest.* At the end of thirty days, the treasurer must return the list to the board of trustees of the district, and all unpaid assessments shall bear legal interest from the date of the return of the list to said board, and shall thereafter be collected and paid in separate installments, of such amounts and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct, and a cause of action for the collection of any such installment shall accrue at the expiration of twenty days from the date of the order directing its payment; *provided, that if any such installment* shall remain *unpaid at the expiration of said twenty* days, then

the whole of the assessment against the land owned by the person failing to pay such installment shall become due and payable at once, and may, in the discretion of the board, be collected immediately, in one and the same action. The board of trustees of the district must commence actions for the collection of such delinquent installments and delinquent assessments, with interest thereon, and costs, and for the enforcement of the lien on the land assessed, in the superior court of the county in which the land is situated, against the person to whom the same shall have been assessed; and if assessed to "unknown owners," then against the real owners, giving a full description by legal subdivisions or definite boundaries, and all persons having or claiming any interest therein, by fictitious names; or if the person to whom the land was assessed shall have conveyed the same to any other person or persons subsequently to the levy of such assessment, and such other person or persons shall be known to the board of trustees of the district to be the owner or owners of the land at the date of the commencement of the action, or if, at the date of the commencement of the action, the owner of the land assessed to "unknown owners" shall be known to the board, then (in either of the last-mentioned two events) against the then owner or owners of the land assessed. Service of complaint and summons in such action may be made, either in the manner prescribed by the Code of Civil Procedure, or if the owner is unknown or cannot be found, by posting a copy of the summons at the court-house door, and publishing the same once a week for four successive weeks in a newspaper published in the county; and such posting and publication is equivalent to personal service on all persons having or claiming any right, title, or interest in the land assessed to unknown owners, whether named as a party in such action or not. Proof of such posting and publication must be made by the certificate of the sheriff, or the affidavit of the party making the service. In case the service be made by posting and publication, the defendant, or any person claiming any interest in the land assessed, may appear and answer the complaint within forty days after the expiration of the four weeks of posting and publication.

assessments on several tracts may be included in the same ion, if listed to the same person. In all actions for the lection of delinquent assessments, the court may decree d adjudge a lien against each tract for the amount assessed against the same, and may order it to be sold on execution or decree, as in other cases of sale of real estate. The judgment or decree must direct that the sale be made for gold and silver coin of the United States. The board of trustees must pay the moneys collected to the county treasurer, who must place the same to the credit of the district. [*Amendment approved March 31, 1891; Stats. 1891, p. 288.*]

Action to recover delinquent assessments: 65 Cal. 635; 66 Cal. 52, 54; 67 Cal. 501; 71 Cal. 72; 75 Cal. 443; 95 Cal. 601.

3467. Deviation from plans: 65 Cal. 635.

3471. Right to erect levees: 73 Cal. 125.

3478. Reorganization: 65 Cal. 635.

Districts organized prior to code: 74 Cal. 549.

3481. Statute amending this section of code is valid: 74 Cal. 549.

3488. *What lands are excluded from provisions of this act.* All swamp and overflowed, salt marsh, and tide lands within one mile of the state prison at San Quentin, within the city and county of San Francisco, city of Oakland, or within five miles of the corporate limits of either, or within two miles of any incorporated city or town, except as to cities containing not less than twenty-five thousand nor more than thirty thousand inhabitants, are excluded from the operation of this chapter; *provided*, that the provisions of sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thou-

cipality in the state of California of the first class having a population of more than one hundred t and also cities containing not less than twenty-sand nor more than thirty thousand inhabitan land is subject to overflow or incursions from tl inland waters of the state, in any manner; and may be formed, as in said sections provided, reclamation thereof, and said lands reclaimed the The duties provided for certain county officers in tions shall be performed by the officers of such m ity, whatever may be their title, who usually per duties. The trustees, or the owners indicated i three thousand four hundred and seventy-three, sl power to let any contract, and conduct the oper reclamation in all respects, and to issue warrants The lands mentioned and described in "An act t and dispose of certain salt marsh and tide lands b to the state of California," approved March t eighteen hundred and sixty-eight, and in the act mental and amendatory thereto, approved Apı eighteen hundred and seventy, must be disposed such acts provided, which are hereby continued [*Amendment approved March 31, 1891; Stats. 1891, in effect immediately.*]

3489. Manner of reorganizing: 67 Cal. 526; 74 Ca

An act to amend an act entitled "An act to reorganize swa district number seventy, of Sutter County, and to provia construction, maintenance, and repairs of levees ther proved March 27, 1878.

[Approved March 10, 1891; Stats. 1891, p. 62.]

[illegible] Section [illegible]

[illegible] base and meridian; thence running west to the [illegible] line between swamp and highlands at the south-[illegible] of the northwest quarter of section twenty-nine [illegible] township and range; thence northwesterly, follow-[illegible] of segregation, to a point where the same infer-[illegible] down and along said Butte Slough [illegible] six (6), township and range afore-[illegible] east to the [illegible] seg-[illegible] swamp and highlands; thence east and south, [illegible] of segregation, to the southeast corner of [illegible] half of the southwest quarter of section fourteen (14) [illegible] township and range; thence due south to the [illegible] corner of the east half of the northwest quarter of [illegible] twenty-three (23) township and range aforesaid, [illegible] easterly, following the line of levee as now con-[illegible] the point of intersection of said levee with the [illegible] twenty-six of said township and range [illegible] and south halves, thence west to the place of [illegible]

[illegible] section eight of said act is hereby amended so as to [illegible] follows:

[illegible] The board of trustees of said district shall, as [illegible] after the passage of this act, and annually [illegible], whenever further assessments are required, report [illegible] said board of supervisors a statement showing,

[illegible] The plans of the work done, or to be done, and esti-[illegible] cost.

[illegible] The amount of the outstanding indebtedness of the [illegible] and the proportion, of not less than ten per [illegible] together with estimates of the probable cost, [illegible] expenses for the ensuing year. And [illegible] of supervisors shall therefrom ascertain and trans-[illegible] certificate of the rate of assessment which [illegible] necessary to levy on the aggregate of the amount [illegible] and lots described in the assessment list [illegible] the requisite amount as shown by the report [illegible] trustees and shall direct the auditor to prepare a copy [illegible] and [illegible] therein, opposite to each tract or lot [illegible] described, the amount of assessment to be collected [illegible] amount of each of said tracts or lots, at the [illegible] provided, that whenever it shall be made to [illegible] satisfaction of the board of supervisors by affi-[illegible] otherwise, that the name of the owner of any tract or [illegible] upon the assessment list, or the number of acres [illegible] contained, is incorrectly stated, whether such error [illegible] at the time the assessment list was originally pre-[illegible] the result of subsequent change in the ownership [illegible] described, or otherwise, said board shall, at the [illegible] directing the auditor to prepare a copy of said assess-[illegible] to make such specific changes in the [illegible] of the owner or in the number of acres, as will make [illegible] conform to the facts as found by them, and where [illegible] tract or lot as described upon the original assessment [illegible] is found to be owned by two or more persons in severalty,

one per cent, and the tax collector shall be entitled two per cent, of the moneys collected by them, re under the provisions of this act, and the county au receive the sum of fifty dollars for the services requi under sections eight and nine of this act, in each yea an assessment is made.

SEC. 4. All acts and parts of acts in conflict wit are hereby repealed.

SEC. 5. This act shall take effect and be in force after its passage.

3490. Enjoining injury to levee: 88 Cal. 217

Injunction against erection of levee by l prietor: 83 Cal. 515.

3491. *An act amendatory of and supplementary to an "An act to define the boundary and provide for the of levee district number two, of Sutter County," passed 1876, in relation to the election of officers for said dis ing the floating debt, and refunding the funded debt t*

[Approved March 23, 1893; Stats. 1893, p. 199.

There are hereby added to said act —— sections, t bered and to read as follows : —

Section 16. The board of supervisors of Sutter hereby authorized and required to issue bonds of sa to the amount of forty thousand dollars, gold coin, by the county treasurer of said county under direct the board of directors of said district, as hereinafter and the money realized from the sale of said bond paid into the county treasury of said county, to be the payment of, —

1. The funded debt.
2. The floating debt of said district.
3. The repair of and strengthening the levee of sai by the board of directors.

Section 17. The treasurer of said county shall prepa in form like those heretofore issued by said board for trict, to the amount of forty thousand dollars; said bo each be to an amount of not less than one hundred do more than five hundred dollars, and shall bear interes

ly, on the first day of March in each year at the office of said treasurer of said county. When and as often as there shall be money in said treasury of the moneys of said district applicable to the payment of the principal of said bonds, the said treasurer shall give reasonable public notice thereof, stating the amount in the treasury so applicable to the payment of such principal, and invite bids for such money, and the person who will surrender the greatest amount of such bonds shall be entitled to the same, provided that no more than par shall be paid for such bonds. If, after such notice, no application for such money shall be made, the treasurer shall publish a notice in some newspaper published in said county, addressed to the holders of certain unpaid bonds of said district, bearing the latest numbers, giving the numbers and amounts of such bonds, and requesting the holders of such bonds to surrender the same to the said treasurer, at his office, within thirty days from the first publication, and receive his money, or thereafter the interest coupons annexed to such bonds will not be paid, and such interest coupons as shall thereafter fall due shall be void.

Section 18. Said bonds shall be signed by the president of the board of supervisors, countersigned by the county auditor, endorsed by the county treasurer, and attested by the county seal impressed thereon. This act shall not be so construed as to render the said county of Butler liable for the payment of said bonds, or any part thereof, either principal or interest, which shall be expressed on the face of each of said bonds.

Section 19. The said directors shall immediately after the passage of this act make out and deliver to said treasurer a statement containing the items of the floating debt now existing against said district, and when and as soon as there shall be sufficient money in said treasury applicable to the payment thereof, he shall pay off and discharge said floating debt from moneys raised from a sale of said bonds. If any bond shall be paid after any coupon is due, the coupon representing the interest shall be cut off and marked canceled by the treasurer, who shall preserve the same so canceled.

Section 20. It shall be the duty of said auditor and treasurer, each, to keep a separate record of such bonds as may be issued under this act, showing the number, amount, and date of each bond, and to whom it was issued.

Section 21. Coupons for the annual interest shall be attached to each bond so that they can be removed from the bond without mutilating it. They shall each be signed by said auditor and treasurer. When any interest shall be paid upon any of said bonds, the county treasurer shall detach the coupons for such interest and cancel the same, and deliver the same to the county auditor, taking his receipt therefor. The auditor shall file and carefully preserve the same in his office.

Section 22. The county treasurer shall pay, out of any money in his hands belonging to said district, the expenses incurred in preparing said bonds and coupons, but the sum so paid shall not exceed one hundred dollars.

[illegible] to be ascertained as to prevent
thereof.

Section 25. There shall, for the year eighteen hun
ninety-three, and annually thereafter, be levied, ass
collected a special tax in said district, to be called "
tract Number Two Tax," which tax shall be levied on
all real estate and improvements in the district
payable in gold coin; shall be sufficient in amount
for the payment of the interest on all said bonds. Sa
tax shall be levied, assessed, and collected under
visions of an act entitled "An act to define the boun
provide for the government of levee district numb
Sutter County."

Section 26. There shall be levied annually in said
under the provisions of this act, an amount of tax su
pay the annual interest on all bonds issued under th
ions of this act, and at least one fortieth of the pr
said bonds, but not to exceed three fortieths of the
cipal of said bonds, which sum when collected shall
to the extinguishment of said bonds, giving preferenc
who will offer to surrender the most bonds for the sam
and the funds levied and collected as provided in th
the payment of the principal and interest on said bo
not be appropriated to any other purpose whatever.

Section 27. The treasurer of Sutter County shall, o
day of March, eighteen hundred and ninety-four, and
thereafter, pay the interest falling due on the bon
under this act, out of the "levee fund" of said
Whenever there is in his hands any sum exceeding
dred dollars, collected for the purpose of redeeming th
pal of said bonds, or whenever there shall at any tim
a surplus of two hundred dollars or more in said "lev
he shall advertise in some public manner, to be presc
the directors of said district, for a space of at least thi
for sealed proposals for the redemption of said bonds
vertisement specifying the day and hour when and
where such proposals will be opened. At the time

of tax for reclamation purposes assessed against him or her as the same appears on the last assessment roll of said district.

Section 2. This act shall take effect immediately.

3493½ *Duty of trustees regard to suits.* At any time within one year after the filing of the list mentioned in section three thousand four hundred and sixty-two, the board of trustees of the district may, in the name of the district, commence and prosecute an action in the superior court of the county in which the district is situated, or if the district is situated in different counties, then in the superior court of the county in which the greater portion of the district is situated, to determine the validity of the assessment, and in said action, any one or more of the owners of land embraced within the district may, at the option of said board of trustees, be made defendants in such action.

The summons shall require the defendant or defendants, if more than one, to answer the complaint within twenty days after the service of the summons, if served within the state, and if any one of the defendants upon whom service of the summons shall have been made shall fail to answer the complaint within the time specified in the summons, his default shall be entered by the clerk of the court, and judgment shall thereafter be given and made against him, without costs.

In any action prosecuted under this section, the court shall decree the validity or invalidity of the assessment in accordance with what the court may determine the facts to be.

The plaintiff shall only be required to allege in its complaint that plaintiff is a swamp-land or reclamation district, organized and existing under the laws of the state of California, having a board of trustees; that the defendant, or defendants, as the case may be, are the respective owners of certain several tracts of land situated in the district, that within one year next preceding the date of the filing of the complaint, the sum of $ —— (naming the full amount of the assessment) was, by commissioners of assessment duly authorized and empowered therefor, legally assessed upon the lands situated within the district, in the manner required by law; that the list required by

section three thousand four hundred and sixty was filed in office of the county treasurer of —— county (designating the county in which the district is situated) on the —— day of ——, - — (specifying the date of such filing), or if the district be situated in different counties, then that the original list was filed with the county treasurer of —— county (designating the county where the petition was filed), and that a copy of said list, certified by the said commissioners of assessment, was filed with the county treasurer of each of the other said counties (respectively designating the name of each county, and specifying the day and date when such copy of said list was filed with the county treasurer thereof, and that the defendant, or defendants if more than one, dispute and deny the validity of said assessment).

The complaint must also separately describe the tract or tracts of land belonging to each of the defendants in the action, designating the name or names of the owners thereof, respectively; and must state the amount assessed upon and against each of said tracts.

Any one or more persons owning land embraced within the district who shall not have been made a defendant or defendants originally in the action may, at any time before the trial of the action (and without applying to the court for leave), voluntarily submit themselves, respectively, to the jurisdiction of the court in the action, by filing their respective answers therein, and serving copies thereof upon the plaintiff's attorneys; and the judgment thereafter given and made in the action shall be as conclusive and as binding upon each of them, respectively, and their respective executors, administrators, heirs, and assigns, as it would have been had they been made defendants in the action originally, and service of the summons had been duly made upon them as original defendants therein. If any defendant contests the validity of the assessment, he shall set forth in his answer wherein the assessment is illegal, and his answer must be verified.

Neither the commencement nor the prosecution of an action under the provisions of this section shall be a bar to or prevent the commencement or the prosecution of an action brought under other provisions of the code for the

[illegible] months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed [illegible] two of this act, for the payment of said tax, together [illegible] interest.

[illegible] The penalty of ten per centum per annum imposed [illegible] for the non-payment of said tax shall [illegible] charged [illegible] cases where by reason of claims made upon [illegible] state, necessary litigation or other unavoidable cause of [illegible] the estate of any decedent, or a part thereof, cannot be [illegible] at the end of eighteen months from the death of the [illegible] and in such cases only seven per centum per annum [illegible] charged upon the said tax from the expiration of said [illegible] months until the cause of such delay is removed.

[illegible] Any administrator, executor or trustee having in [illegible] or trust any legacy or property for distribution subject [illegible] said tax shall deduct the tax therefrom, or if the legacy [illegible] be not money, he shall collect the tax thereon, upon [illegible] valuation thereof, from the legatee or person entitled [illegible] property, and he shall not deliver, or be compelled to [illegible] any specific legacy or property subject to tax to any [illegible] he shall have collected the tax thereon, and whenever any such legacy shall be charged upon or payable out of [illegible] the executor, administrator, or trustee shall deduct [illegible] tax therefrom, and the same shall remain a charge on such [illegible] until paid. If, however, such legacy be given in [illegible] to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; [illegible] be not in money, he shall make application to the superior court having jurisdiction of his accounts, to make an [illegible], if the case require it, of the sum to be paid [illegible] his hands by such legatees, and for such further order relative thereto as the case may require.

[illegible] All executors, administrators, and trustees shall [illegible] power to sell so much of the property of the decedent [illegible] able them to pay said tax, in the same manner as they [illegible] be enabled by law to do for the payment of debts of [illegible], and the amount of said tax shall be paid as hereinafter [illegible].

[illegible] Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on [illegible] shall be paid by him, within thirty days thereafter, [illegible] the county in which the probate proceedings [illegible] and the said treasurer shall give and every executor, administrator, or trustee shall take, duplicate receipts [illegible] payment, one of which receipts said executor, administrator, or trustee shall immediately send to the controller of [illegible] whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller [illegible] said receipt with the seal of his office, and counter[illegible] the same and return it to the executor, administrator, or [illegible] whereupon it shall be a proper voucher in the settlement of his accounts, and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be

SEC. 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, at what was the market value thereof at the time of the death of the decedent, in the manner hereinafter provided, and the superior court in which the probate proceedings are pending shall thereupon assess and determine the value of the estate, income, or interest subject to said tax, in the manner recorded in section thirteen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; provided, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the state of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county; provided further, that such person shall make a full and verified return of such property in said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

SEC. 3. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devises or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

SEC. 4. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eigh-

arth day of March, eighteen hundred and seventy, two more applicants for the purchase of, or conflicts between aimants of, the same land, where the purchase has been completed and patent issued, are valid, although the affidavits on which such applications were based are neither in form nor substance in compliance with the provisions of such act. [*Amendment approved March 9, 1893; Stats. 1893, p. 116; in effect immediately.*]

3584. Purchase of unexpired lease of Yosemite and Wawona road: 83 Cal. 264.

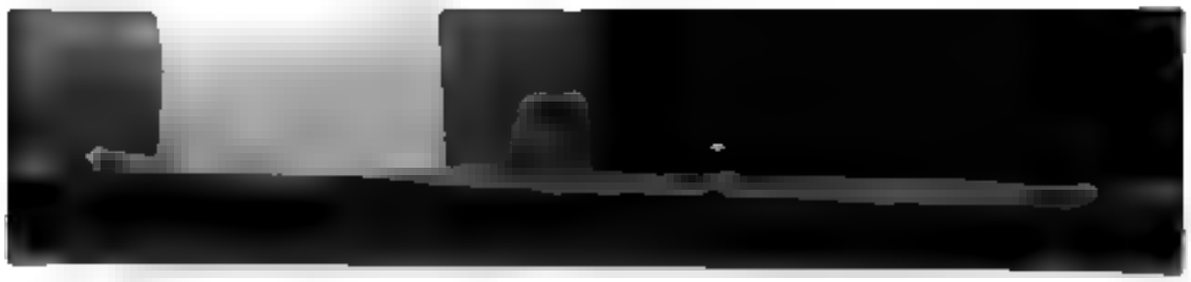
3607. Power of taxation: 93 Cal. 414.

Property subject to taxation: 65 Cal. 456; 67 Cal. 110; 72 Cal. 34; 72 Cal. 166.

An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds.

[Approved March 23, 1893; Stats. 1893, p. 193.]

SECTION 1. After the passage of this act, all property which shall pass by will or by the intestate laws of this state from any person who may die seised or possessed of the same while a resident of this state, or if such decedent was not a resident of this state at the time of death, which property, or any part thereof, shall be within this state, or any interest therein or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect, in possession or enjoyment, after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, brother, sister, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the state of California, and any lineal descendant of such decedent born in lawful wedlock, or the societies, corporations, and institutions now exempted by law from taxation, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the treasurer of the proper county, as hereinafter defined, for the use of the state; and all administrators, executors, and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed; *provided*, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax.



SEC. 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, at what was the market value thereof at the time of the death of the decedent, in the manner hereinafter provided, and the superior court in which the probate proceedings are pending shall thereupon assess and determine the value of the estate, income, or interest subject to said tax, in the manner recorded in section thirteen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and together with the interest thereon shall be and remain a lien on said property until the same is paid; provided, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the state of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county; provided further, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

SEC. 3. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property in the same [illegible] commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and such bequest, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

SEC. 4. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eigh-

two months from the death of the decedent, they shall be required to give a bond, in the form and to the effect prescribed in section two of this act, for the payment of said tax together with interest.

Sec. 5. The penalty of ten per centum per annum imposed by section four hereof for the non-payment of said tax shall not be charged in cases where by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay the estate of any decedent, or a part thereof cannot be settled at the end of eighteen months from the death of the decedent, and in such cases only seven per centum per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed.

Sec. 6. Any administrator, executor or trustee having in charge or trust any legacy or property for distribution subject to the said tax shall deduct the tax therefrom or if the legacy or property be not money he shall collect the tax thereon upon the appraised value thereof from the legatee or person entitled to such property and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon and whenever any such legacy shall be charged upon or payable out of real estate the executor, administrator or trustee shall deduct said tax therefrom and the same shall remain a charge on such real estate until paid. If however such legacy be given in money to any person for a limited period the executor, administrator, or trustee shall retain the tax upon the whole amount, but if it be not in money he shall make application to the proper court having jurisdiction of his accounts, to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees and for such further order relative thereto as the case may require.

Sec. 7. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Sec. 8. Every sum of money retained by an executor, administrator or trustee, or paid into his hands, for any tax on property, shall be paid by him within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending, and the said treasurer shall give and such executor, administrator or trustee shall take duplicate receipts for such payment, one of which receipts said executor, administrator or trustee shall immediately send to the comptroller of the state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said comptroller shall seal said receipt with the seal of his office and countersign the same, and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts, and an executor, administrator or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be

months, make a statement, in writing, to the county treasurer, of the property from which or the party from whom, he has reason to believe a tax under this act is due and unpaid.

SEC. 17. Whenever the superior court of any county shall certify that there was probable cause for issuing a citation, and taking the proceedings specified in section seventeen of this act, the state treasurer shall pay or allow to the treasurer of any county all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid.

SEC. 18. The clerk of each superior court shall keep a book, in which he shall enter the returns made by appraisers, the cash value of annuities, life estates, and terms of years, and other property fixed by him, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which books shall be kept in the office of the superior court as a public record.

SEC. 19. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor, of which collection and payment he shall make a report, under oath to the controller between the first and fifteenth days of May and December of each year stating for what estate paid, and in such form and containing such particulars as the controller may prescribe, and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

SEC. 20. The treasurer of each county shall be allowed to retain on all taxes paid and accounted for by him each year, under this act, in addition to his salary or fees now allowed by law, five per centum on the first fifty thousand dollars so paid and accounted for by him, three per centum on the next fifty thousand dollars so paid and accounted for by him, and one per centum on all additional sums so paid and accounted for by him.

SEC. 21. Any person or body politic or corporate, shall, upon payment of the sum of fifty cents be entitled to a receipt from the county treasurer of any county or a copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized said tax has been paid, and by whom paid, and whether or not it is in full of said tax, and of [illegible] receipt may be recorded in the clerk's office in the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be labeled "Collateral Tax."

SEC. 22. All taxes levied and collected under this act shall be paid into the treasury of the state, for the use of the state school fund.

SEC. 23. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

method of computations adopted therein to correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on the certificate of the court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

SEC. 12. Any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, grantee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days, or both; and in addition thereto the court shall dismiss him from such service.

SEC. 13. The superior court in the county in which is situate the real property of a decedent who was not a resident of the state, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

SEC. 14. If it shall appear to the superior court, or judge thereof, that any tax accruing under this act has not been paid according to law, it shall issue a citation citing the persons known to own any interest in or part of the property liable to the tax to appear before the court on a day certain not more than two weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree shall conform to the provisions of chapter twelve of title eleven of part three of the Code of Civil Procedure; and the clerk of the court shall, upon the request of the district attorney or treasurer of the county, furnish without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

SEC. 15. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the district attorney of the proper county in writing of such failure to pay such tax, and the district attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the superior court in the proper county, as provided in section fifteen of this act, for the enforcement and collection of such tax.

SEC. 16. The county clerk of each county shall, every three

assessment and equalization shall be made by the same officers and boards, at the same time or times as are now prescribed by law for the assessment and equalization of property of the same classes or kinds as the property which hereby is required to be reassessed. The assessment and equalized assessment of such property shall be entered on the several assessment rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years during which such reassessments shall be made. And there is hereby levied for state purposes the same rates of taxation for each of such respective years as were heretofore levied upon such property for each of said years for said state purposes.

SEC. 2. All taxes for counties, cities and counties, and other taxing districts shall be levied by the proper board or boards upon the property mentioned in the first section of this act, at the same rates for each respective year as were levied upon property for each of said years after the year eighteen hundred and seventy-nine.

SEC. 3. All property authorized to be reassessed by this act shall be reassessed and equalized by the proper officers and boards at the same time at which and to the person or corporation to whom or to which such property might, for each of such years to have been assessed, under such rules of notice and at the times and in the modes as are prescribed for the assessment and equalization of the classes of property; and the assessment and equalization thereof and the levy and collection of taxes thereunder shall be made by the proper officers at the time, upon the notice and in the manner now or hereafter provided by law for making assessments and equalizing the same and for the levy and collection of taxes on like classes of property; and if the taxes so levied shall become delinquent, there shall be added thereto and the amount thereof the same percentage as a penalty for such delinquency as is added to other delinquent taxes on like classes of property, and such delinquent taxes and penalties added thereto shall be collected by the proper officers in the manner now or hereafter provided by law for the collection of delinquent taxes and penalties upon like classes of property. The collection of such taxes to allow as credit thereon all payments heretofore made on the tax as first levied.

SEC. 4. There shall be no limitation or limitations as to the time within which actions for the collections of taxes levied under this act may be commenced and all the provisions of law now or hereafter provided in respect to assessments, equalizations, levy and collection of taxes shall, where applicable, apply to reassessments, equalizations and levies and collections of taxes made under the provisions of this act.

SEC. 5. This act shall apply to taxes for revenue only, and not to assessments for local improvements or street purposes.

SEC. 6. This act shall take effect and be in force on and after its passage.

3050 Mortgages See note, ante 227, note.

Enumerate.' meaning of, 33 Cal. 465; see 80 Cal. 86; 94 Cal. 322.

Description 25 Cal. 465; 81 Cal. 299; 80 Cal. 86; 96 Cal. 623; [illegible] Cal. 43, 94 Cal. 922.

3653 *Assessor, duty of.* 1. The assessor must, when directed so to do by the board of supervisors, in a map-book make a plan of the various blocks within any incorporated city or town, and mark thereon in each subdivision the name of the person to whom it is assessed.

2. On or before the third Monday of July in each year, the assessor must furnish such incorporated cities and towns within the county as shall make written request for the same on or before the first Monday in March of each year, a complete certified copy of his assessment-book [illegible] as such assessment-book pertains to property within the limits of said incorporated cities and towns.

3. The assessor may charge incorporated cities and towns twelve and one half cents per folio of one hundred words for each copy of his assessment-book furnished such incorporated cities and towns.

4. The assessor must, on the first Monday of each month, furnish all such incorporated cities and towns within the county as shall make written request for the same a description of all personal property, the name and address, by street and number, of the owners, and assessed value thereof, whenever the tax on such property is collected by the assessor.

5. The assessor may charge incorporated cities and towns twelve and one half cents per folio of one hundred words for such description of personal property.

6. This act shall apply only to counties of the second and third class. [*Amendment approved February 28, 1891; Stats. 1891, p. 14, in effect immediately.*]

3663 Franchise of Western Union Telegraph Company [illegible] Cal. 501.

3665 *Meeting of state board of equalization.* The state board of equalization must meet at the state capitol on the third Monday in July, and continue in open session from day to day Sundays excepted, until the first Monday in August. At such *meeting the board must* assess the *franchise, roadway, road-bed, rails, and rolling* stock of

all railroads operated in more than one county, but franchises derived from the United States shall not be assessed. Assessments must be made to the corporation, person, or association of persons owning the same. The depots, stations, shops, and buildings erected upon the space covered by the right of way, and all other property owned by such person, corporation, or association of persons, are assessed by the assessor of the county wherein they are situate. Within twenty days after the first Monday of August, the board must apportion the total assessment of the franchise, roadway, road-bed, rails, and rolling stock of each railway to the counties or cities and counties in which such railway is located, in proportion to the number of miles of railway laid in such counties and cities and counties. The board must also, within said time, transmit, by mail, to the county auditor of each county or city and county to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county or city and county, with a description of the said track within the county or city and county, including the right of way, by metes and bounds, or other description sufficient for identification, the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, road-bed, rails, and rolling stock of such railway within the state, and the amount apportioned to the county or city and county. The auditor must enter the statement on the assessment roll or book of the county or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county or city and county in the column of the assessment book or roll, as aforesaid, which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the fourth Monday in September, the board of supervisors must make, and cause to be entered in the proper record-book, an order stating and declaring the length of main track of the railway assessed by the state board of *equalization* within the county, the assessed value per

mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxation district, in the county or city and county through which such railway runs, as fixed by the state board of equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the clerk of the board of supervisors must transmit a copy of each order of equalization to the city council or trustees, or other legislative body of incorporated cities or towns, the trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes as the property of individuals within such city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a railway assessed by the state board of equalization is dissatisfied with the assessment made by the board, such owner may, at the meeting of the board, under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the first Monday in August and the first Monday in September, apply to the board to have the same corrected in any particular, and the board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the state. If the board shall increase or lower any assessment previously made by it, it must make a statement to the county auditor of the county affected by the change in the assessment of the change made, and the auditor must note such change upon the assessment book required of the county as directed by the board. [*Amendment approved March 31, 1891, Stats. 1891, p. 438, in effect from and after July, 1891.*]

The revenue provided in this and the subsequent sections for the assessment, levy, and collection of taxes on railroads situated in more than one county is unconstitutional. 83 Cal. 393. The sections thus declared unconstitutional were all amended at the session of 1891.

3666. *Books to be kept by state board of equalization.* The state board of equalization must prepare, each year, a

book, to be called "Record of Assessments of Railways," in which must be entered each assessment made by the board, either in writing or by both writing and printing. Each assessment so entered must be signed by the chairman and clerk. The record of the apportionment of the assessments made by the board to the counties and cities and counties must be made in a separate book, to be called "Record of Apportionment of Railway Assessments." In each last-described book must be entered the names of the railways assessed by the board, the names of the corporation to which or the name of the person or association to whom each railway was assessed, the whole number of miles of the railway in the state, the number of miles thereof in each county or city and county, the total assessment of the franchise, roadway, road-bed, rails, and rolling stock, for purposes of state taxation, and the amount of the apportionment of such total assessment to each county and city and county, for county and city and county taxation. Before the third Monday of September of each year, the clerk of the state board of equalization must prepare and transmit to the controller of state duplicates of the "Record of Assessment of Railways" and "Record of Apportionment of Railway Assessments," each certified by the chairman and clerk of the board, and to be known, respectively, as "Duplicate Record of Assessment of Railways" and "Duplicate Record of Apportionment of Railway Assessments." In the last-named duplicate, two columns must be added, in one of which the controller must enter the state taxes due the state, upon the whole assessment, by each corporation, person, or association, and in the other the county or city and county taxes due upon the assessment apportioned to each county or city and county, by each corporation, person, or association. The two duplicates constitute the warrant for the controller to collect the state and county and city and county taxes levied upon such property assessed by the board, and the amount of the apportionment of the assessment to each county and city and county, respectively. [*Amendment approved March 31, 1891; Stats. 1891, p. 440; in effect first Monday in July, 1891.*]

3667. *County rate of taxation to be sent to controller.* When the board of supervisors of each county and city and county to which the state board of equalization has apportioned the assessment of railways shall have fixed the rate of county or city and county taxation, the clerk of the board of supervisors must forthwith, by mail, postage paid, transmit to the controller a statement of the rate of taxation levied by the board of supervisors for county or city and county taxation. If the clerk fails to transmit such statement, the controller must obtain the information as to such rate of taxation from other sources. On or before the second Monday of October, the controller must compute and enter, in separate money columns, in the "Duplicate Record of Apportionment of Railway Assessments," the respective sums, in dollars and cents, rejecting fractions of a cent, to be paid by the corporation, person, or association liable therefor, as the state tax upon the total amount of the assessment, and the county or city and county tax upon the apportionment of the assessment to each county and city and county of the property assessed to such corporation, person, or association named in said duplicate record. [*Amendment approved March 21, 1891; Stats. 1891, p. 340; in effect first Monday in July 1891.*]

3668. *Publication by controller.* Within ten days after the second Monday in October, the controller must publish a notice for two weeks in one daily newspaper of general circulation at the state capital, and in two daily newspapers of general circulation published in the city of San Francisco, specifying,

1. That he has received from the state board of equalization the "Duplicate Record of Assessments of Railways" and the "Duplicate Record of Apportionment of Railway Assessments."

2. That the taxes on all personal property and one half of the taxes on all real property are now payable, and will be delinquent on the last Monday in November next, at six o'clock, P. M., and that unless paid to the state treasurer at the capitol, *prior thereto, five per cent will be added to the amount thereof, and unless so paid on or before the last Monday in April next, at six, P. M.,* an additional

five per cent will be added to the amount thereof.

On the last Monday in April of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter there must be collected by the state treasurer, or other proper officer, an addition of ten per centum upon those taxes which became delinquent the preceding November, and have not been paid, prior to the said time, on the last Monday in April of each year, and an addition of five per centum upon all taxes for the preceding year, which became delinquent on the said last Monday in April, which sum when collected, must be set aside by the treasurer as a fund with which to pay the contingent expenses of actions against any delinquents, the said expenses to be audited by the board of examiners, and any surplus remaining shall go into the general school fund of the state. When any taxes are paid to the state treasurer by order of the controller, upon assessments made and apportioned by the state board of equalization, the controller must forthwith notify the auditor and treasurer, respectively, of each county and city and county that such taxes have been paid, and of the amount thereof to which each county and city and county interested is entitled. The state's portion of the taxes must be distributed by the treasurer to each fund entitled thereto, and the portion belonging to the counties and cities and counties must be placed in a fund, to be called "Railway Tax Fund," to the credit of each county and city and county entitled thereto. When any taxes are placed in the "Railway Tax Fund" to the

taxes must be paid to state treasurer. Each
rson, or association assessed by the state
ation must pay to the state treasurer, upon
the controller, as other moneys are required
to the treasury, the state and county and
taxes each year levied upon the property
it or him by said board. Any corporation,
ociation dissatisfied with the assessment
board, upon the payment of the taxes due
sment complained of, and the percentage
s added, on or before the first Monday in
filing of notice with the controller of an
egin an action, may, not later than the first
ne, bring an action against the state treas-
ecovery of the amount of taxes and percent-
the treasurer, or any part thereof, and in
may allege any fact tending to show the
he tax, or of the assessment upon which the
d, in whole or in part. A copy of the com-
the summons must be served upon the treas-
en days after the complaint has been filed,
rer has thirty days within which to demur or
the time the treasurer demurs or answers, he
that the action be tried in the superior court
of Sacramento. The attorney-general must
ction. The provisions of the Code of Civil
ating to pleadings, proofs, trials, and appeals
to the proceedings herein provided for. If
ment be against the treasurer, upon presen-
rtified copy of such judgment to the con-
d draw his warrant upon the state treasurer,
to the plaintiff the amount of the taxes so
ve been illegally collected; and the cost of
udited by the board of examiners, must be
y money in the general fund of the treasury,
ey appropriated, and the controller may de-
ceive from the county or city and county
proportion of such costs, or may deduct
m from any money then or to become due to
or city and county. Such action must be
efore the first Monday in June of the year

succeeding the year in which the taxes were levied, and a failure to begin such action is deemed a waiver of the rights of action. [*Amendment approved March 31, 1891; Stats. 1891, p. 442; in effect first Monday in July, 1893.*]

3670. *Controller to sue for delinquent taxes.* After the first Monday of June of each year, the controller must begin an action in the proper court, in the name of the people of the state of California, to collect the delinquent taxes upon the property assessed by the state board of equalization; such suit must be for the taxes due the state, and all the counties and cities and counties, upon property assessed by the board of equalization, and appearing delinquent upon the "Duplicate Record of Apportionment of Railway Assessments." The demands for state and county and city and county taxes may be united in one action. In such action a complaint in the following form is sufficient: —

(Title of Court.)

The People of the State of California

vs.

(Naming the defendant).

Plaintiff avers that on the —— day of ——, in the year (naming the year), the state board of equalization assessed the franchise, roadway, road-bed, rails, and rolling stock of the defendant at the sum of (naming it) dollars; that the board apportioned the said assessment as follows: To the county of (naming it) the sum of (naming it) dollars (and so on, naming each county).

That the defendant is indebted to plaintiff for state and county taxes for the year eighteen ——, in the following sums: For state taxes, in the sum of (naming it) dollars; for county taxes of the county of (naming it), in the sum of (naming it) dollars, etc., with five (or ten) per cent added for non-payment of taxes. Plaintiff demands payment for said several sums, and prays that an attachment may issue, in form as prescribed in section five hundred and forty of the Code of Civil Procedure.

(Signed by the controller or his attorney.)

On the filing of such complaint, the clerk must issue the writ of attachment prayed for, and such proceedings

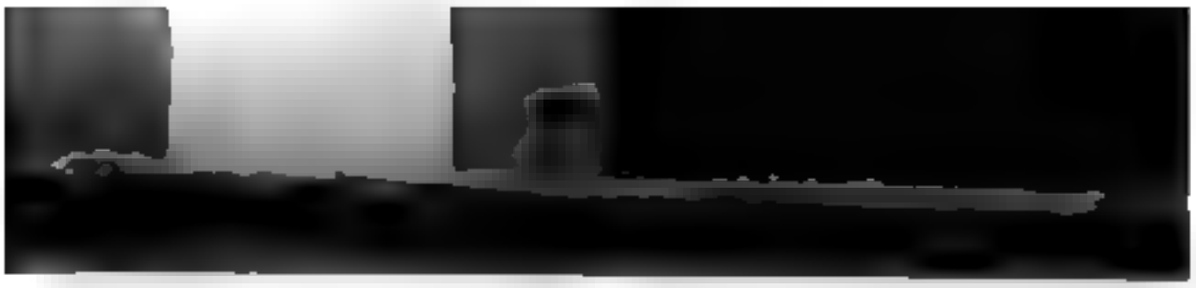
shall be had as under writs of attachments issued in civil actions, no bond nor affidavit previous to the issuing of the attachment is required. If in such action the plaintiff recover judgment, there shall be included in the judgment a counsel fees, and in case of judgment of taxes after suit brought but before judgment the defendant must pay as counsel fees, such sum as the court may determine to be reasonable and just. Payment of the taxes or the amount of the judgment in the case must be made to the state treasurer. In such actions the "Duplicate Record of Assessments of Railways" and the "Duplicate Record of Apportionment of Railway Assessments," or a copy of them, certified by the controller, showing unpaid taxes against any corporation, person, or association, for property assessed by the state board of equalization, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of the taxes due and unpaid to the state, and counties or cities and counties therein named, and that the corporation, person, or association is indebted to the people of the state of California in the amount of taxes, state and county and city and county, therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with. [*Amendment approved March 31, 1891; Stats. 1891, p. 442; in effect first Monday in July, 1891.*]

Action for assessment. Jurisdiction, 95 Cal. 378; pleadings, [illegible] Cal. [illegible], 75 Cal. 621; evidence, 93 Cal. 4[illegible], 96 Cal. 6[illegible], 75 Cal. [illegible], [illegible] Cal. 1[illegible]; findings, 93 Cal. 4[illegible]; joinder of actions, 83 Cal. [illegible]; premature, [illegible] Cal. 282; judgment, 66 Cal. 17, 68 Cal. 14.

Lien of tax. Duration of, 92 Cal. 62[illegible], 73 Cal. 610.

3672. *Board of equalization for counties.* The board of supervisors of each county must meet on the first Monday of July in each year to examine the assessment-book and equalize the assessment of property in the county. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. [*Amendment approved March 31, 1891; Stats. 1891, p. 442; in effect first Monday in July, 1891.*]

3673. Equalization — Notice: *82 Cal. 214.*



3674. Reduction—Failure to return statement: 75 Cal. 172.

3692. *Powers and duties of state board of equalization.* The powers and duties of the state board of equalization are as follows: —

1. To prescribe rules for its own government and for the transaction of its business.

2. To prescribe rules and regulations, not in conflict with the constitution and laws of the state, to govern supervisors when equalizing and assessors when assessing.

3. To make out, prepare, and enforce the use of forms in relation to the assessment of property.

4. To hold regular meetings at the state capitol, on the second Monday in each month, and such special meetings as the chairman may direct.

5. To annually assess the franchise, roadway, road-bed, rails, and rolling stock of all railroads operated in more than one county in this state, at their actual value on the first Monday in March, at twelve o'clock, M., and to apportion such assessment to the counties and cities and counties in which such roads are located, in proportion to the number of miles of railway laid in such counties and cities and counties, in the manner provided for in section three thousand six hundred and sixty-four of said code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of said counties.

7. To transmit to the assessor of each county or city and county its apportionment of the assessments made by said board upon the franchises, roadways, road-beds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said code.

8. To meet at the state capitol on the first Monday in August, and remain in session, from day to day (Sundays excepted), until the first Monday in September.

9 At such meeting, to equalize the valuation of the taxable property of the several counties in this state for the purpose of taxation, and to that end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby as it may prescribe, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value in money of the property assessed, and to fix the rate of state taxation, and to do the things provided in section three thousand six hundred ninety-three of said code.

10 To visit as a board, or by the individual members thereof, whenever deemed necessary, the several counties of the state, for the purpose of inspecting the property and learning the value thereof.

11 To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12 To issue subpœnas for the attendance of witnesses, or the production of books before the board, or any member thereof; which subpœnas must be signed by a member of the board, and may be served by any person.

13 To appoint a clerk, prescribe and enforce his duties. The clerk shall hold his office during the pleasure of the board.

14 To report to the governor, annually, a statement showing, —

First. The acreage of each county in the state that is assessed.

Second. The amount assessed per acre.

Third. The aggregate value of all town and city lots.

Fourth. The aggregate value of all real estate in the state.

Fifth. The kinds of personal property in each county, and the value of each kind.

Sixth. The aggregate value of all personal property in the state.

Seventh. Any information relative to the assessment of property and *the collection of revenue.*

Eighth. Such further suggestions as it shall deem proper.

15. To keep a record of all its proceedings. [*Amendment approved March 31, 1891; Stats. 1891, p. 444; in effect first Monday in July, 1891.*]

Raising or lowering assessment roll 86 Cal. 210, 68 Cal. 495.

3696 *State rate of taxation.* Between the first and second Mondays in September of each year, the board must determine the rate of state tax to be levied and collected upon the assessed valuation of the property of the state, which, after allowing five per cent for delinquencies and costs of collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the legislature for state purposes. The board must immediately thereafter transmit to the board of supervisors and county auditor of each county a statement of such rate, and upon its receipt the clerk of said board and county auditor must each, in writing, notify the state board of equalization thereof. [*Amendment approved March 23, 1893; Stats. 1893, p. 30.*]

This section was also amended in 1891. Stats. 1891, pp. 445, 470.

3713 *Amount of revenue to be raised.* The state board of equalization must, for state purposes, for the forty-fifth and forty-sixth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this state as, after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise, for the forty-fifth fiscal year, —

First. For the general fund, four million two hundred and sixty-two thousand two hundred and twenty-five dollars and ten cents.

Second. For the school fund, two million fifty-seven thousand two hundred and seventy-nine dollars.

Third. For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the forty-sixth fiscal year, —

First. For the general fund, three million three hundred and twelve thousand nine hundred and twenty dollars.

Second. For the school fund, two million fifty-seven thousand two hundred and seventy-nine dollars.

Third. For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars. [*Amendment approved March 21, 1893, Stats. 1893, p. 300.*]

This section was also amended in 1891. Stats. 1891, p. 470.

Validity of levy. 67 Cal. 125; 76 Cal. 17.

Levy of tax in Sacramento. 70 Cal. 504.

3714. *Rate of county tax.* The board of supervisors of each county must, on the fourth Monday of September, fix the rate of county taxes, designating the number of cents on each hundred dollars of property levied for each fund, and must levy the state and county taxes upon the taxable property of the county; *provided*, that it shall not be lawful for any board of supervisors of any county in the state to levy nor shall any tax greater than fifty cents on each one hundred dollars of property be levied and collected in any one year to pay the bonded indebtedness, or judgment arising therefrom, of this state, or of any county or municipality in this state, *and provided further*, that in counties or cities and counties containing a population of over two hundred and fifty thousand inhabitants the board of supervisors must, on the fourth Monday of June, fix the rate of county taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and must levy the state and county taxes upon the taxable property of the county. [*Amendment approved March 31, 1891, Stats. 1891, p. 445; in effect first Monday in July, 1891.*]

Time of assessment. 73 Cal. 521; 87 Cal. 499.

Fiscal year. 93 Cal. 305.

An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state, excepting municipal corporations of the first, second, third, and fourth classes and cities operating under a charter framed under section eight, article eleven, of the constitution.

[Approved March 2, 1891, Stats. 1891, p. 2.]

SECTION 1. The board of trustees, common council, or other legislative body of *any municipal corporation* or city in this state, *excepting municipal corporations of the first, second,*

15. To keep a record of all its proceedings. [*Amendment approved March 31, 1891; Stats. 1891, p. 444; in effect first Monday in July, 1891.*]

Raising or lowering assessment roll: 86 Cal. 212; 68 Cal. 495.

3696. *State rate of taxation.* Between the first and second Mondays in September of each year, the board must determine the rate of state tax to be levied and collected upon the assessed valuation of the property of the state, which, after allowing five per cent for delinquencies in and costs of collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the legislature for state purposes. The board must immediately thereafter transmit to the board of supervisors and county auditor of each county a statement of such rate, and upon its receipt the clerk of said board and county auditor must each, in writing, notify the state board of equalization thereof. [*Amendment approved March 23, 1893; Stats. 1893, p. 307.*

This section was also amended in 1891. Stats. 1891, pp. 445, 470.

3718. *Amount of revenue to be raised.* The state board of equalization must, for state purposes, for the forty-fifth and forty-sixth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this state as, after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise, for the forty-fifth fiscal year, —

First. For the general fund, four million two hundred and sixty-two thousand two hundred and twenty-five dollars and ten cents.

Second. For the school fund, two million fifty-seven thousand two hundred and seventy-nine dollars.

Third. For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the forty-sixth fiscal year, —

First. For the general fund, three million three hundred and twelve thousand nine hundred and twenty dollars.

ity to which it respectively belongs, under the general requirements and penalties provided by law for the settlement of other taxes.

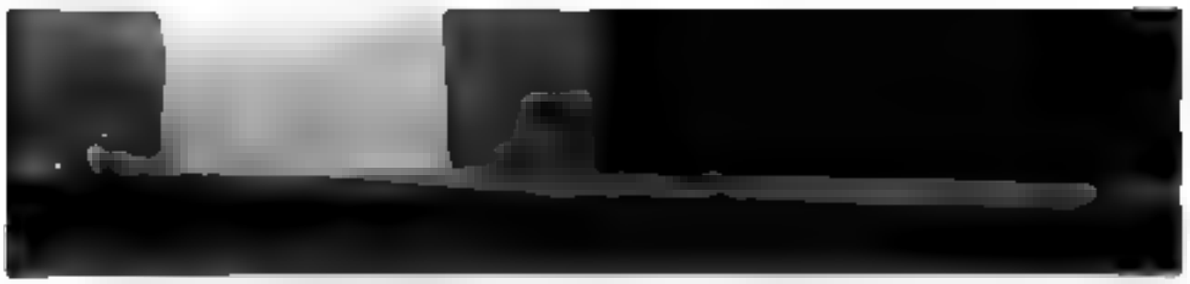
SEC. 2. The board of supervisors, on the filing of itemized statements by the county auditor and county tax collector showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon its minutes, deduct such expenses from the taxes of each municipal corporation or city, while in the hands of the county tax collector, and cover the same into the county salary fund.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

3728. *Statement of county auditor.* The auditor must, on or before the second Monday in August of each year, prepare from the assessment-book of such year, as corrected by the board of supervisors, duplicate statements, showing, in separate columns,—

1. The total value of all property.
2. The value of real estate.
3. The value of the improvements thereon.
4. The value of personal property, exclusive of money.
5. The amount of money.
6. The number of acres of land. [*Amendment approved March 31, 1891, Stats. 1891, p. 446; in effect first Monday in July, 1891.*]

3732. *Duplicate assessment-book.* On or before the first Monday of October, he must deliver a copy of the corrected assessment-book, to be styled "Duplicate Assessment-book," to the tax collector, with an affidavit attached thereto, and by him subscribed, as follows: "I, ——, auditor of the county of ——, do swear that I received the assessment-book of the taxable property of the county from the clerk of the board of supervisors, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the state board of equalization, that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage, as required by law, and that the copy to which this affidavit is affixed is a full, true, and correct copy thereof, made in the manner *prescribed by law.*" [*Amendment approved March 31, 1891; Stats. 1891, p. 446; in effect first Monday in July, 1891.*]



third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the constitution, shall have power and it shall be their duty to fix, by ordinance, the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city. The board of trustees, common council, or other legislative body shall meet for such purpose, and shall so ascertain and fix said amount, on the first Monday in August of each year: provided, however, that the provisions of this act shall not apply to or be in force in any city or municipal corporation until its board of trustees, common council, or other legislative body shall have passed an ordinance electing to avail itself of the provisions of this act, and filed a certified copy of the same with the auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in March of each year.

Sec. 2. The county auditor must, on or before the third Monday in August of each year, transmit to the board of trustees, common council, or other legislative body of each municipal corporation or city within such county a statement, in writing showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment-book of such county for such year as equalized and corrected by the board of supervisors for such county.

Sec. 3. Each board of trustees, common council, or other legislative body of such municipal corporation or city shall, on the first Monday of October, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor and so returned to such board by the county auditor as required in section two of this act, which rate of taxation shall be sufficient to raise the amount so fixed by such board as required in section one of this act, which acts by said board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city board must immediately thereafter transmit to the county auditor of the county in which such municipal corporation or city is situated a statement of such rate so fixed by such municipal board.

Sec. 4. The auditor must then compute and enter in a separate column in the assessment-book, to be headed "City Tax, City of [illegible]," naming in the respective sums, in dollars and cents, to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal board and the assessed value as found in such assessment-book, which taxes so levied shall be collected at the same time and in the same manner as state and county taxes, and when collected the net amount as ascertained by section five shall be paid to the treasurer of the municipal corporation or

...by the county auditor and county tax collector the additional expense to their offices of assessing ...ecting these local taxes, may, by an order spread upon ...es, deduct such expenses from the taxes of each municorporation or city, while in the hands of the county ...ctor, and cover the same into the county salary fund.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

. *Statement of county auditor.* The auditor must, ...fore the second Monday in August of each year, ...from the assessment-book of such year, as corby the board of supervisors, duplicate statements, ..., in separate columns,—

...e total value of all property.

...e value of real estate.

...e value of the improvements thereon.

...e value of personal property, exclusive of money.

...e amount of money.

...e number of acres of land. [*Amendment approved ...1, 1891; Statu. 1891, p. 446; in effect first Monday ...1891.*]

... *Duplicate assessment-book.* On or before the first ... of October, he must deliver a copy of the corrected ...ent-book, to be styled "Duplicate Assessment-... to the tax collector, with an affidavit attached ... and by him subscribed, as follows: "I, ——, ...the county of ——, do swear that I received the ...ent-book of the taxable property of the county from ...k of the board of supervisors, with his affidavit ...affixed, and that I have corrected it and made it

will be due and payable on the first Monda
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before the last Monday in February next, at
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that the remaining one half of the taxes on a
erty will be payable on and after the first Mor
uary next, and will be delin-

An act to abolish commissions or fees paid by the state for the assessment, equalization, auditing, and collection of ad valorem taxes.

[Approved February 22, 1893. Stats. 1893, p. 5.]

SECTION 1. All commissions or fees paid by the state to the officers of any county or city and county for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes are hereby abolished: *provided*, that this shall not affect the commissions paid to the assessor of the several counties for services rendered in the collection of personal property taxes, as provided by chapter eight of the Political Code, or the mileage allowed to the treasurer of the several counties or cities and counties in making settlements with the state, as provided by section three thousand eight hundred and seventy-six of the Political Code.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after the first Monday in May, eighteen hundred and ninety-three.

3750 *Date of payment to be marked in book.* The tax collector must mark the date of payment of any tax, or of the several partial payments, as the case may be, in the assessment-book, opposite the name of the person paying. [*Amendment approved March 31, 1891; Stats. 1891, p. 447; in effect first Monday in July, 1891.*]

3751. *Receipts to be given.* He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; *provided*, that the receipt for the last installment of taxes may refer, by number or any other intelligent manner, to the receipt given for the first installment of taxes, in lieu of a description of the property assessed. [*Amendment approved March 31, 1891; Stats. 1891, p. 447; in effect first Monday in July, 1891.*]

3750 *Penalty for delinquent taxes.* On the last Monday in November of each year, at six o'clock, P. M., all taxes then unpaid, except the last installment of the real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county or city and county, an addition of fifteen per cent thereon; *provided*, that if they be not paid before the last Monday in April next succeeding, at six o'clock, P. M., he shall collect

thereon may designate, in writing, to the tax collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it; and the person who will take the least quantity of land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the collector for the duplicate certificate of sale, is the purchaser. But in case there is no purchaser in good faith for the same, as provided in this chapter, on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith of the same, the whole amount of the property assessed shall be struck off to the people of the state as the purchaser, and the duplicate certificate delivered to the county treasurer, and filed by him in his office. No charge shall be made for the duplicate certificate when the state is a purchaser, and in such case the tax collector shall make an entry, "Sold to the state," on the duplicate assessment-book, opposite the tax, and he shall be credited with the amount thereof in his settlement made pursuant to sections three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine of this code. Immediately upon the conclusion of the tax sale, the tax collector shall report to the controller, in such form as the controller may desire, each sale in which the state is the purchaser. [*Amendment approved March 9, 1933; Stats. 1933, p. 99; in effect immediately.*]

Excessive sale: 67 Cal. 483; 67 Cal. 485; 71 Cal. 193; 79 Cal. 137, 80 Cal. 330.

3777. Certificates of sale — Recitals: 79 Cal. 137; 80 Cal. 331.

Filing certificate — Fees: 93 Cal. 335.

3779. Purchaser under void sale acquires no title: 80 Cal. 86.

3780. *Who may redeem, and when.* A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase, or at any time prior to the filing of the affi-

dants and the application for a deed, as provided for in section thirty-seven hundred and eighty-five of this code. [*Amendment approved March 19, 1891, Stats. 1891, p. 133; in effect immediately.*]

Right of redemption. 92 Cal 382.

3785 *Deed of collector.* If the property is not redeemed within the time allowed by law for its redemption, the collector or his successor in office must make the purchaser or his assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. In counties where notice for making said deeds is provided by law, the collector shall be entitled to receive from the purchaser three dollars for making such deed. No charge must be made by the collector for the making of any such deed, where the state is the purchaser; and the acknowledgment of all such deeds, as provided in section three thousand seven hundred and seventy three, shall be taken by the county clerk free of charge; *provided, however*, that the purchaser of property sold for delinquent taxes, or his assignee, must, thirty (30) days previous to the expiration of the time for the redemption, or thirty days before he applies for a deed, serve upon the owner of the property purchased, or upon the person occupying the property, if said property is occupied, a written notice stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of the sale, the amount of property sold, the amount for which it was sold, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, a duplicate of which notice shall, at the same time, be filed in the office of the county recorder, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have expired and said deed been applied for, upon the payment of the fees, percentages, penalties, and costs required by law. In the case of unoccupied property, if the owner cannot be found, a similar but conspicuous notice shall be posted, and kept posted, in a conspicuous place upon the property, during

not less than thirty (30) days next before the expiration of the time for the redemption, or thereafter, next before the purchaser applies for a deed, which notice must also be published during the same period in a newspaper of general circulation published in the county nearest the property, in every regular issue of such newspaper during the said period; and no deed of property sold at a delinquent tax sale shall be issued by the tax collector, or any officer, to the purchaser of such property until the notice herein provided for shall have been given, and such purchaser shall have filed with such tax collector, or other officer, an affidavit showing that the notice hereinbefore required to be given has been given as herein required, and that due diligence has been used to notify the owner personally, which said affidavit shall be filed and preserved by the tax collector as other files, papers, and records kept by him in his office. Such purchaser shall be entitled to receive the sum of three dollars for the service of said notice and the making of said affidavit, and also a reasonable amount for the cost of publication, when necessary, which sum of three dollars and cost of publication shall be paid by the redemptioner at the same time and in the same manner as other costs, percentages, penalties, and fees are paid; *provided, however*, that if redemption is made within eleven months of the date of sale the purchaser shall not be entitled to the three-dollar fee. [*Amendment approved March 17, 1891, Stats. 1891, p. 134, in effect immediately*]

Notice to redeem 79 Cal. 537, 86 Cal. 122; 92 Cal. 382; 96 Cal. 301; 93 Cal. 395, 96 Cal. 378.

Extending time for redemption 93 Cal. 395.

3786 Recitals, sufficiency and effect: 80 Cal. 393, 93 Cal. 378, 80 Cal. 80, 79 Cal. 137, 92 Cal. 382, 93 Cal. 395, 94 Cal. 653; 71 Cal. 183.

Alteration in tax deed, effect of: 80 Cal. 257.

3787 Conclusiveness of deed 93 Cal. 395; 96 Cal. 301; 90 Cal. 441, 79 Cal. 137, 93 Cal. 378, 96 Cal. 378.

3797 *Joint meeting of auditor and tax collector.* The tax collector must, on the third Monday of February and *June in each year*, attend at the office of the auditor with *the delinquent* list, and the auditor must then carefully

compare the list with the assessment of persons and property not marked "paid" on the assessment-book, and when taxes have been paid, must note the fact in the appropriate column in the assessment-book; *provided*, that in counties or cities and counties containing a population of over two hundred and fifty thousand inhabitants, the tax collector must, on the first Monday of June in each year, attend at the office of the auditor with the delinquent list, and the auditor must then carefully compare the list with the assessment of persons and property not marked "paid" on the assessment-book, and when taxes have been paid, must note the fact in the appropriate column in the assessment-book. [*Amendment approved March 31, 1891; Stats. 1891, p. 449; in effect first Monday in July, 1891.*]

3800. *Affidavit of tax collector.* At the times mentioned in section three thousand seven hundred and sixty-four, the tax collector must make an affidavit, indorsed on the list, that the taxes not marked "paid" have not been paid, and that he has not been able to discover any property belonging to or in possession of the persons liable to pay the same whereof to collect them. [*Amendment approved March 31, 1891; Stats. 1891, p. 449; in effect first Monday in July, 1891.*]

3800. Interest. 66 Cal. 17; 69 Cal. 551.

3804. Action to recover taxes. 66 Cal. 241, 65 Cal. 575; 67 Cal. 508, 70 Cal. 622; 76 Cal. 430; 80 Cal. 86; 68 Cal. 495.

Supervisors — Mandamus. 66 Cal. 241.

3810. *Disposition of taxes paid on property redeemed.* Whenever property sold to the state, pursuant to the provisions of this chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows. The original tax and the twenty-five per cent and interest paid in redemption shall be apportioned between the state and county or city and county in the same proportion that the state tax bears to the county or city and county tax; the moneys received for delinquencies shall be paid to the county or city and county. The county treasurer shall keep an accurate account of all money paid in redemption of property sold to the state, and shall, on the first Monday of February and

June in each year, make a detailed report, verified by his affidavit, of each account, year for year, to the controller of state, in such form as the controller may desire. Whenever the state shall receive from the tax collector any grant or property so sold for taxes, the same shall be recorded, at the request of the county treasurer, free of charge, by the county recorder, and shall be immediately reported by the county treasurer to the state board of equalization. [*Amendment approved March 31, 1891; Stats. 1891, p. 449; to effect first Monday in July, 1891.*]

3819. *Protest to be in writing.* At any time after the duplicate assessment-book has been received by the tax collector, and the taxes have become payable, the owner of any property assessed therein, who may claim that the assessment is void in whole or in part, may pay the same to the tax collector under protest, which protest shall be in writing, and shall specify whether the whole assessment is claimed to be void, or if a part only, what portion, and in other case, the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as a voluntary payment, and such owner may at any time within six months after such payment bring an action against the county, in the superior court, to recover back the tax so paid under protest; and if it shall be adjudged that the assessment, or the part thereof referred to in the protest, was void on the ground specified in the protest, judgment shall be entered against such county therefor; and on the payment of any such judgment, such part of the tax recovered thereby as may have been paid by the county treasurer into the state treasury shall be regarded as an amount due the county from the state, and shall be deducted in the next settlement had by the county with the controller, such deduction to be made in the manner that other deductions are made, as provided in section three thousand eight hundred and seventy-one of the Political Code of this state. [*New section added February 27, 1893, Stats. 1893, p. 32.*]

3820. Discretion of assessor, review of: 71 Cal. 205.

3905. Money received by attorney-general on account: 69 Cal. 647.

3003. *Semi-annual settlements of county treasurers.* The treasurers of all the counties or cities and counties of this state must, between the fifteenth and thirtieth days of December and May of each year, proceed to the state capitol and settle in full with the controller of state, and pay over in cash to the treasurer of state, all funds belonging to the state which have come into their hands, as county treasurers, before the close of business on and including the first Monday of said months, except principal and interest received on account of state school lands, which shall only be settled for up to and including the last day of the month prior to the month of settlement; *provided*, that the controller of state shall, on or before the fifteenth day of the month in which settlement is to be made, notify the treasurer of each county the amount of state school money which will be due the state from his county in the then pending settlement; the county treasurer shall thereupon and thereby be authorized to retain in the treasury of his county the said amount of state school money, and shall, at the time of paying over, in cash, to the treasurer of state, all other funds belonging to the state which have come into his hands as county treasurer, as aforesaid, file with the treasurer of state his certificate, stating the amount so retained, and the said certificate shall, for all purposes, be deemed and counted as cash in the state treasury to the amount therein stated, and shall be so accepted by each county treasurer on the payment of the apportionment of school moneys due his county. On the making of the apportionment of school moneys due to the respective counties and cities and counties, if there shall be a balance due the county, the treasurer of state shall immediately pay the same, and if there shall be a balance due the state, the county treasurer shall immediately pay the same into the state treasury. If, in the opinion of the controller of state, it appears from the report of the county auditor that sufficient property tax has not been collected to make it for the interest of the state that a settlement should be made, the controller shall defer the settlement until the next regular settlement. No mileage, fees, or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any set-

tlement is so deferred, the county auditor, in his next report to the controller of state, shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made. [*Amendment approved February 28, 1893. Stats. 1893, p. 56; in effect immediately.*]

This section was also amended in 1891: Stats. 1891, p. 460.

3900. *Semi-annual reports of county auditors.* The auditor of each county, between the first and tenth day of each month in which the treasurer of his county is required to settle with the controller, must make, in duplicate, and verify by his affidavit, a report to the controller of state, in such form as the controller may desire, showing specifically the amount due the state from each particular source of revenue at the close of business on and including the first Monday of the month in which settlement is required, except principal and interest received on account of state school lands, which shall be reported up to the end of the previous month. [*Amendment approved February 28, 1893; Stats. 1893, p. 55; in effect immediately.*]

3901. Dollar-mark, absence of, effect of: 66 Cal. 228; 69 Cal. 444.

3901. Counties are political, not municipal, corporations: 51 Cal. 469.

3902. New counties, power to create: 51 Cal. 469.

Submission to vote—New county: 51 Cal. 469.

An act to create the county of Glenn, to establish the boundaries thereof, and to provide for its organization.

[Approved March 11, 1891, Stats. 1891, p. 98.]

SECTION 1. There may be formed, out of the northern part of Colusa County, a new county, to be called Glenn, in the manner and subject to the conditions herein named.

SEC. 2. The boundaries of said county shall be as follows: Beginning at a point on the boundary line between the counties of Colusa and Lake as now established by law, at the northwest corner of the southwest quarter of section thirty, township eighteen north, range eight west, Mount Diablo base and meridian; running thence east along the half-section line, and one and one half miles north of the line dividing townships seventeen and eighteen north, of Mount Diablo base and meridian, to Butte Creek, the boundary line between Colusa and Butte counties; thence northerly along said Butte Creek with said county line to a point where the north line

of township nineteen north intersects said Butte Creek; thence easterly along the boundary line between the counties of Butte and Colusa as now established by law to the center of the Sacramento River; thence northerly, and following the meanderings thereof, along the center of said Sacramento River, to a point where the north line of township twenty-two intersects the center of the Sacramento River, being the initial point of Tehama County as established by law; thence west along the north line of township twenty-two north to the southwest corner of Tehama County as established in section three thousand nine hundred and fifteen of the Political Code; thence southerly on the summit of the Coast Range Mountains, on the established line between Mendocino and Lake and Colusa counties, to the place of beginning.

Sec. 3. The seat of justice of said county of Glenn shall be at the town of Willows until otherwise provided by law.

Sec. 4. There shall be held an election for county officers of said county on the first Tuesday in May, A. D. eighteen hundred and ninety-one, at which shall be elected a judge of the superior court, county clerk, sheriff, tax collector, treasurer, recorder, auditor, district attorney, assessor, superintendent of schools, county surveyor, coroner, public administrator, and five supervisors. At said election there shall be submitted to the qualified electors of said county of Glenn, as hereinafter described, the question whether they desire a separate county government; and for the purpose of ascertaining the choice of said electors, the ballots used at said election shall have written or printed thereon the words "For new county," "Against new county," and all ballots from which the words "Against new county" are erased shall be counted in favor of such separate county government; and all ballots from which the words "For new county" are erased shall be counted against such separate county government. Said election shall be conducted in every respect, except as hereinafter otherwise provided, in accordance with the general law for the election of county and township officers.

Sec. 5. The governor shall, when this act takes effect, appoint five persons, residents and electors of the county of Glenn, who shall be and constitute a board of commissioners to perfect the organization of said county, a majority of whom shall constitute a quorum. Said commissioners shall meet in the town of Willows within twenty days after their appointment, and after being duly sworn to faithfully discharge their duties as prescribed in this act shall organize by electing one of their number as president, and shall elect a clerk. The clerk shall keep a record of their proceedings. Three of the number of said board shall be necessary to transact business, and a majority of the votes of the members present at any meeting shall control in all matters [illegible].

Sec. 6. For the purpose of designating the several election districts in the said county, the said board of commissioners shall meet at the town of Willows two weeks before the day of election, and at said meeting they shall designate the precincts of the county, the house or place within the precincts where

the election must be held and the offices to be filled; and appoint two inspectors, two judges of election, and two clerks for each of said precincts.

Sec. 7. The said board of commissioners after designating the precincts of the county and appointing the inspectors, judges, and clerks of the different precincts shall give notice thereof by causing a written or printed notice in each of the said precincts stating therein the boundaries of said precincts, and the names of the inspectors, judges and clerks of election appointed for the same, and naming and numbering in one notice, and commencing with number one, the offices to be filled and stating also that at said election there will be submitted to the qualified voters within the said county of Lincoln the question of the final establishment of the said county.

Sec. 8. Sealed returns from the officers of election of the several precincts shall be made to the board of commissioners, at such office as they may select in the town of Wilbaux within six days after the said day of election. On the sixth day after the said election the said board of commissioners shall meet in the town of Wilbaux in said county, and the returns of said election shall be opened and read in public, and a tabular statement shall thereupon be made under their direction and in their presence, showing the vote given at each precinct of the county for each candidate for the several offices, and the entire vote given in the county for each person, and also the vote for and against a separate county government; which said statement so made out, shall be signed by the president and clerk of said board.

Sec. 9. As soon as the said statement is made the said board by an order entered upon its minutes, shall declare the result; and if a majority of them voting upon the question shall have voted in favor of a separate county government the president of said board shall immediately make out and send or deliver to each person elected a certificate of election, signed by him as president of the board of commissioners, and attested by the clerk of said board.

Sec. 10. Each person elected to fill an office of said county under the provisions of this act shall qualify in the manner provided by law for such officers, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as judge of the superior court shall qualify before the president of said board of commissioners; and persons elected to offices of said county other than the office of judge of the superior court, shall qualify before the judge of the superior court or before the president of said board of commissioners, which said president of said board of commissioners for said purpose shall have power to administer to each of said persons his official oath.

Sec. 11. The president of said board of commissioners shall transmit a copy of the tabular statement prepared as provided in section eight of this act to the secretary of state within twenty days after said election. The election returns of said county and the original tabular statement shall be retained

by the president of said board of commissioners until the person elected as clerk of said county has qualified and entered upon the discharge of the duties of his office, after which they, with the records of said board of commissioners, shall be immediately delivered with and filed by the clerk of said county and shall be retained by him as part of the records of said office.

SEC. 12. The judge of the superior court chosen under the provisions of this act shall hold his office until the first Monday in January, eighteen hundred and ninety-seven, and until his successor is elected and qualified. The other officers hereinafter elected shall hold their respective offices until the first Monday in January in the year eighteen hundred and ninety-three, and until their successors are elected and qualified. The successors of the officers elected under this act shall be chosen at the general election established by law which takes place next preceding the expiration of their respective terms of office.

SEC. 13. As soon as the said county of Glenn shall have been divided into townships and road districts in the manner provided by law, it shall be the duty of the board of supervisors thereof to appoint for each township two justices of the peace and two constables, and for each road district a road overseer and two supervisors, and road overseer shall each, respectively, hold office until the next general election, and until their successors are elected and qualified.

SEC. 14. The officers elected and appointed under the provisions of this act shall each perform the duties and receive the compensation provided by general law for the office to which he has been elected or appointed, in counties of the class to which the said county of Glenn belongs, under the general classification of counties in this state, and until otherwise provided by law, said county shall be classified as a county of the thirty-second class.

SEC. 15. If, at said election, a majority of the votes cast on the question of a separate county government shall be "For new county," then the said territory hereinabove described shall be and become a separate county from and after the day upon which the returns of the said election shall be ascertained and declared by the said board of commissioners.

SEC. 16. The said county of Glenn shall form a part of assembly district number ten and senatorial district number eight until otherwise provided by law.

SEC. 17. This act shall take effect and be in force from and after its passage.

An act to create the county of Riverside, classify it, define its boundaries, provide for its organization, and the appointment, election of officers, the location of county seat by election, and the adjustment and settlement of certain rights and obligations arising between such county and certain other counties.

[Approved *March 11, 1893*, Stats. 1893, p. 158.]

SECTION 1. There is hereby formed, subject to approval by a vote as in this act provided, out of the southwest part of the

Orange and San Diego counties to the point of int
said line with the township line between township
and township eight south, San Bernardino base and
thence easterly along said township line to its inters
western boundary of Santa Rosa Rancho; thence
along the boundary of said rancho to where said l
said rancho intersects the range line between the
eight south, three west, and eight south, four w
south on said range line to the point of intersection
line with the second standard parallel south;
along said parallel to the eastern boundary of the s
fornia; thence northerly along the said eastern l
the state of California to the northeast corner of th
San Diego; thence westerly along the northerly
Diego County to a point where the line between
one and two south of San Bernardino base line
such northerly line of San Diego County; thence
such township line to the northwest corner of to
south, of range one east, San Bernardino base and
thence south two miles to the northeast corner
thirteen, in township two south, of range one w
west seventeen miles to the southwest corner of se
in township two south, of range three west; thence
mile to the northwest corner of said section eight;
eight and one half miles to the quarter corner on
line of section two, in township two south, of rang
thence north one mile to the quarter corner on the
of said section two; thence west ten and one half
northwest corner of section six, in township tw
range six west; thence south to the northern boun
Jurupa Rancho; thence westerly along the north
of Jurupa Rancho to the northwest corner of s
thence south along the west boundary of Jurupa
the quarter corner on the west line of section ten, i
three south, of range seven west; thence west to t
section seven, in township three south, of range

SEC. 3. The county seat of the county of Riverside shall be located as hereinafter provided.

SEC. 4. The governor shall, when this act takes effect, appoint five persons, residents and electors of the said county of Riverside, as above described, who shall be and constitute a board of commissioners to perfect the organization of said county, a majority of whom shall constitute a quorum. Said commissioners shall meet in the city of Riverside within ten days after their appointment, and after being duly sworn to faithfully discharge their duties as prescribed in this act shall organize by electing from their number a president and secretary. Said commissioners shall have power to fill all vacanies in their number in case of death, resignation, or failure to qualify. Said commissioners shall then divide the new county formed under this act into a convenient number of judicial townships, road and school districts, define their boundaries, and designate the name of each district. They shall also divide the county into five supervisorial districts, to contain, as nearly as practicable, an equal number of inhabitants, and number said districts. They shall also establish election precincts in said county. They shall also give thirty days' notice, by publication in one or more newspapers published in the said county, of the precincts established, and shall designate the name and boundaries of each precinct, and number and boundaries of each supervisorial district. Said commissioners, their president and secretary, are hereby authorized and required to discharge the same duties as are now required by law of the boards of supervisors and county clerks in the several counties of this state, so far as the same applies to the appointment of election officers, publication of notices and proclamations, holding elections, canvassing returns, issuing certificates, and all things lawful to be done to provide for, conduct, and carry on all elections mentioned in this act. They shall keep a full record of all their proceedings, transmitting to the secretary of state a certified copy thereof, filing the originals, with the original election returns, in the county clerk's office of the county of Riverside as soon as he shall have been qualified, and thereupon the powers and duties of said commissioners shall cease and terminate.

SEC. 5. There shall be an election held in said county of Riverside on the first Tuesday in May, A. D. eighteen hundred and ninety-three, at which election shall be submitted to the said qualified electors of said county of Riverside as herein described whether there shall be formed and organized the county of Riverside as herein provided for; and for the purpose of ascertaining the choice of the said electors of said county under the provisions of this act the ballots used at said election shall have written or printed thereon, "The new county of Riverside — Yes," and "The new county of Riverside — No," and each voter desiring to vote for the establishment and organization of said county of Riverside shall mark a cross (thus X) opposite the words "The new county of Riverside — Yes" in the manner now required by law, and each voter desiring to vote against the organization of said county

votes cast on the question of t
zation of said county government shall be "The n
of Riverside—Yes," then the said territory herein
scribed shall be and become the organized county of
from and after the day upon which the returns of sai
shall be ascertained and declared by the said board o
sioners.

SEC. 6. At the election provided for in section fiv
act there shall be chosen by the qualified elector
county of Riverside one judge of the superior cour
county, whose salary shall be four thousand dollar
num, payable at the same time and in the same m
salaries of the judges of the superior courts of th
counties of the state are now paid; also one district a
one county clerk, one county recorder, one auditor, on
one tax collector, one county treasurer, one county asse
county superintendent of public schools, one county s
one county coroner, and one public administrator
shall be chosen at such election one supervisor for eac
visorial district in said county; *provided*, that all duly
and qualified supervisors of the counties of San Diego
Bernardino who, at the taking effect of this act, are r
of the county of Riverside shall hold their offices for
term for which they were elected, upon having duly q
as supervisors of the county of Riverside for the respect
tricts in which they reside, as said districts are organ
the action of the board of commissioners provided for
act. There shall be chosen at said election two justice
peace and two constables for each of said townships; *p*
that all justices of the peace and constables acting as
the passage of this act, residents of the county of Ri
shall hold their offices for the full term for which th
elected or appointed, upon having qualified as justice
peace or constables of the county of Riverside for the
ive townships in which they severally reside, as sai
ships are organized by the action of the board of comm
provided for in this act. Thom

and all the officers elected at said election or appointed under this act shall hold their offices until the time provided by general law for the election and qualification of such officers of this state, and until their successors are elected and qualified. At said election there shall also be submitted to the qualified electors the question of the location of the county seat for the said county of Riverside, and the place, town or city in said county receiving the highest number of votes for county seat of said county shall be declared by the commissioners to be, and the same shall be, the county seat of the said county of Riverside. It shall be the duty of the said commissioners to make ample provision, in the preparation and printing of the ticket to be used at said election, for the expression of said electors of said county as to the location and designation of the said county seat for said county.

Sec. 7. All qualified electors of this state who have been residents and electors of said territory of the county of Riverside for ninety days preceding the election provided for in this act shall be qualified to vote at said election. The great registers of San Bernardino and San Diego counties used at the general election held in the year eighteen hundred and ninety-two in the territory of the new created county of Riverside shall be prima facie evidence of the qualifications of the electors. The county clerks of San Bernardino and San Diego counties are hereby directed to furnish the commissioners of the county of Riverside a certificate, under seal, showing the additional names of voters on the great registers of San Bernardino and San Diego counties registered as residing within the territory forming the county of Riverside since the last great registers of San Bernardino and San Diego counties were printed, and the certificates of the county clerks of said counties, under seal, showing the registration of any [illegible] who resides in the territory forming the county of Riverside up to the date of election, shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

Sec. 8. It shall be the duty of the board of supervisors of the county of Riverside, whose election is by this act provided for, to meet at the county seat of the county of Riverside on the first Monday of the month subsequent to their election and, having duly qualified, shall organize by the election of one of their number as chairman. Said board shall allow such remuneration to the commissioners and officers acting for said board of commissioners as it may think just and proper, not exceeding five dollars per day each; [illegible] claims are presented therefor in the manner now required by law. Said board shall appoint two freeholders residents of the county of Riverside, to act as commissioners, whose duty it shall be to meet at the city of San Bernardino, California, within twenty days from the time of their appointment, a like number of commissioners who shall be appointed by the board of supervisors of San Bernardino county, and one commissioner, to be appointed by the governor of the state of California. Such commissioners shall then jointly organize as a board, by electing from their number a chairman and secretary. A majority

of said commissioners shall constitute a quorum of said board for the transaction of business. Should any vacancy occur in said board of commissioners by death, resignation or otherwise, the office so created shall be filled by the appointing power which made the original appointment. Any of said commissioners shall have the power to examine by a citation or subpœna signed by him the attendance of such persons and the production of such books, papers, letters and documents before said board of commissioners as he may deem necessary to perform the duties imposed by this act. It shall be the duty of the sheriff of the county of San Bernardino and Riverside to serve any lawful process or notice issued by said board of commissioners and to execute any order of said commissioners, and he and his deputies shall be allowed the same fees as are allowed by law for like services in civil cases, and all witnesses attending before said board of commissioners shall be entitled to the same compensation and mileage as is allowed witnesses in civil cases; provided that no witness shall be allowed fees for attendance at the time and place appointed in said order or citation by reason of the ignorance of the officer making service thereof to be absent and attend to his duty in advance. Said board of commissioners shall, immediately after its organization, ascertain the indebtedness of San Bernardino county existing at the time this act takes effect, and also the basis of all property at that time belonging to the said county of San Bernardino. They shall ascertain the assessed value of all property in San Bernardino county as it stood before this act takes effect, according to the assessment made for said county in the year eighteen hundred and seventy-six, and the assessed value under the said assessment of all property in the territory hereby set apart from the said county and belonging to the county of Riverside. They shall then find the difference between the amount of indebtedness of San Bernardino county and the value of the property belonging to San Bernardino county at the time this act takes effect, and such indebtedness exceeds the value of such property belonging to San Bernardino county, the county of Riverside shall pay San Bernardino county a due proportion thereof to be determined as follows: As said assessed value of the property in San Bernardino county is to the said assessed value of the property in the territory by this act set apart from San Bernardino county, so is the amount of said excess to the amount to be paid by the county of Riverside to San Bernardino county. Said board of commissioners shall then certify both to the respective boards of supervisors of said counties of San Bernardino and Riverside the amount ascertained by the proportion and ratio aforesaid payable by the county of Riverside, and the value of any property belonging to San Bernardino county at the time this act takes effect which is set apart to the county of Riverside. The sum of said amount and value of said real and personal property added to the assessed valuation of said property which the county of Riverside is to pay to the county of San Bernardino, shall be an indebtedness from the county of Riverside to the county of San Bernardino. Said property,

situated as aforesaid to the county of Riverside, shall upon settlement thereby as provided in this act, become the property of the county of Riverside and the Irrigation District shall pay the entire indebtedness of the Bernardino County pertaining the county of Riverside pays to the county of San Bernardino as herein designated and proportionate thereof that may be found properly to be payable by the county of Riverside. In case said board of commissioners shall find that the value of the property belonging to said San Bernardino County at the time this act takes effect exceeds the indebtedness of said San Bernardino County the excess shall be apportioned between said counties of San Bernardino and Riverside in the proportion aforesaid and if the portion of said excess payable to the county of Riverside does not exceed the value of said property belonging to San Bernardino County and situate in the county of Riverside as aforesaid, said portion of said excess shall be delivered from the value of said property situate in the county of Riverside as set aforesaid and the balance after delivering said portion of such excess, shall be considered as aforesaid to the said board of supervisors and shall cease to be obligations from the county of Riverside in the event of the Bernardino but if said portion of such excess is greater than the value of said property situate in the county of Riverside as aforesaid belonging to San Bernardino County, the value of said property and aforesaid shall be deducted from said portion of such excess and the balance shall be as above said to said boards of supervisors, and shall cease to be obligations from San Bernardino County to the county of Riverside and said San Bernardino County shall pay the same [illegible] the settlement between the said counties San Bernardino and Riverside as herein provided for, said county of Riverside shall be found to be indebted to San Bernardino County the sum necessary to pay said indebtedness shall be raised by a tax levied upon the property assessed in the county of Riverside, and the county of Riverside shall pay the same.

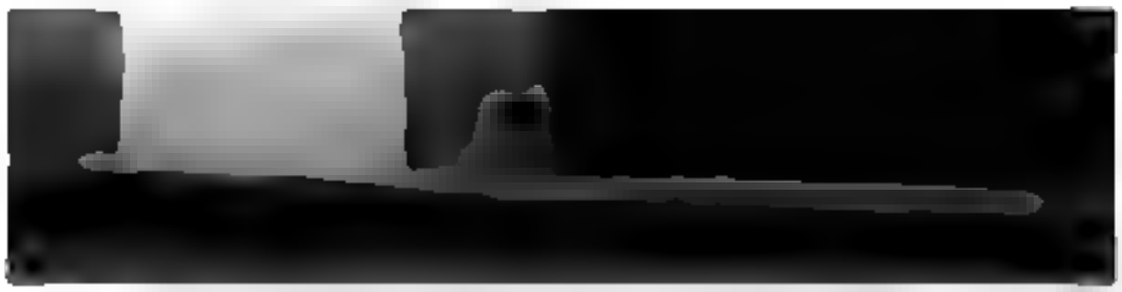
Sec. 3. Said board shall also appoint [illegible] freeholders and [illegible] of the county of Riverside [illegible] whose duty it shall be to meet at the [illegible] within twenty days from the time of their appointment, the county of said county, and shall be appointed by said board of supervisors of said County [illegible] appointed by the governor of the state of [illegible] said commissioners shall then proceed organize a board [illegible] from their number a chairman and secretary. A majority of said commissioners shall constitute a quorum and competent for the transaction of business. Should any vacancy occur in said board of commissioners by death, resignation or otherwise, the office so vacated shall be filled by the remaining members who made the original appointment. All of said commissioners shall have the power to [illegible] and to issue subpoenas signed by them to witnesses and such persons and the production of such books and papers in the said board of commissioners as he may require in performing the duties imposed

by this act; and it shall be the duty of the sheriffs of the counties of San Diego and Riverside to execute in their respective counties all lawful orders and citations of any of said commissioners; and for any services performed, the sheriff shall be allowed the same fees as are allowed for the services in civil cases; and all witnesses attending before the said board of commissioners shall be entitled to the same compensation and mileage as is allowed to witnesses in civil cases; provided that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making service thereof to tender said witness his fees in advance. Said board of commissioners shall immediately after its organization, ascertain the indebtedness of San Diego County existing at the time this act takes effect, and also the total value of all property at that time belonging to said county of San Diego. They shall ascertain the assessed value of all property in San Diego County, as it stood before this act takes effect, according to the assessment made for San Diego County in the year eighteen hundred and ninety-two; also, the assessed value, under the same assessment, of all property in the territory hereby set apart from San Diego County and embraced in the county of Riverside. They shall find the difference between the amount of the indebtedness of San Diego County and the value of the property belonging to San Diego County at the time this act takes effect, and if such indebtedness exceeds the value of such property belonging to San Diego County, the county of Riverside shall pay San Diego County a due proportion thereof, to be determined as follows: As said assessed value of the property of San Diego County is to the said assessed value of the property in the territory by this act set apart from San Diego County, so is the amount of said excess to the amount to be paid by the county of Riverside to the county of San Diego. Said board of commissioners shall then certify forthwith to the respective boards of supervisors of said counties of San Diego and Riverside the amount constituting the due proportion of said excess payable by the county of Riverside; also, the value of any property belonging to San Diego County at the time this act takes effect which is situated in the county of Riverside. The sum of said ascertained value of said last mentioned property, added to the ascertained proportion of said excess which the county of Riverside is to pay to San Diego County, shall be an indebtedness from the county of Riverside to the county of San Diego. Said property, situated as aforesaid in the county of Riverside, shall, upon settlement therefor as provided in this act, become the property of the county of Riverside, and San Diego County shall pay the entire indebtedness of San Diego County; provided, the county of Riverside pays to San Diego County, as herein designated, any proportion thereof that may be found properly to be payable by the county of Riverside. In case said board of commissioners shall find that the value of the property belonging to the said San Diego County at the time this act takes effect exceeds the indebtedness of San Diego

County, the excess shall be apportioned between said counties of San Diego and Riverside in the proportion aforesaid; and if the proportion of said excess payable to the county of Riverside does not exceed the value of property belonging to San Diego County and situate in the county of Riverside aforesaid, said portion of said excess shall be deducted from the value of said property situate in the county of Riverside as last aforesaid, and the balance, after deducting said portion of such excess, shall be certified as aforesaid to the boards of supervisors, and shall be an indebtedness from the county of Riverside to the county of San Diego; but if said portion of such excess is greater than the value of said property situate in said county of Riverside as aforesaid belonging to San Diego County, the value of said property last aforesaid shall be deducted from said portion of such excess and the balance shall be certified as aforesaid to said boards of supervisors, and shall be an indebtedness from San Diego County to the county of Riverside, and said San Diego [illegible] to pay the same upon the final settlement between the counties of San Diego and Riverside as herein provided for; and said county of Riverside shall be found to be indebted to San Diego County, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property within the county of Riverside and the county of Riverside shall pay the same.

Sec. 10. After the passage of the act an assessment shall be made and put on the roll taken to perform property be omitted, by the assessors of San Bernardino and San Diego counties to the territory embraced in the county of Riverside. The assessor of the county of Riverside who shall be elected at the election herein provided for shall within ninety days after he shall have been qualified assess all the property in the county of Riverside except such as is required to be assessed by the State board of equalization, and collect the poll taxes and the taxes on personal property in said county of Riverside in accordance with the general laws. [illegible] aforesaid assessment is completed, the board of supervisors of the county of Riverside shall, in accordance with the general laws applicable to said assessment and levy state and county taxes. Said assessment and levy and the collection of taxes shall be as effective as if said assessment and levy were made at the time provided in the general laws; provided that the general laws relating to the assessment, levy and collection of taxes are hereby made applicable so far as possible to the assessment, levy and collection of taxes by the county of Riverside for the year eighteen hundred and ninety-three.

Sec. 11. The board of supervisors of the county of Riverside are hereby authorized, when they deem it necessary to provide [illegible] suitable books and [illegible] to make [illegible] appeals to [illegible] from the county of San Bernardino and San Diego counties such parts thereof as relate to property situate in the said county of Riverside, which shall be transferred and certified to by the respective recorders of the counties of San Bernardino and



San Diego, shall have the same force and effect as such original records, for all purposes.

SEC. 12. All actions or special proceedings (excepting those provided for in sections three hundred and ninety-two and three hundred and ninety-three, Code of Civil Procedure) which shall be pending in the superior courts in the counties of San Bernardino and San Diego at the time of the organization of the county of Riverside in which the defendants are residents of the county of Riverside shall be removed to the superior court of the county of Riverside, on motion of any party interested; provided, that no actions commenced for collection of licenses shall be removed from the courts of San Bernardino and San Diego counties.

SEC. 13. The notaries public of the counties of San Bernardino and San Diego who are residents of the territory embraced in the county of Riverside at the date of the passage of this act shall hold their office until the expiration of their terms and shall be recommissioned as notaries public in and for the county of Riverside until the expiration of their terms. And the governor shall from time to time, appoint such additional notaries public for the county of Riverside as he may deem requisite.

SEC. 14. The superintendent of public schools of the counties of San Bernardino and San Diego shall furnish the superintendent of public schools of the county of Riverside with a certified copy of the last school census of the different school districts in the territory set apart to form the county of Riverside and respectively draw their warrants on the treasurers of San Bernardino and San Diego counties in favor of the superintendent of schools in the county of Riverside for all money that is or may be due by apportionment or otherwise to the different districts embraced in the county of Riverside and the auditors of San Bernardino and San Diego shall in like manner respectively draw their warrants on the respective treasurers of the counties of San Bernardino and San Diego, in favor of the auditor of the county of Riverside, for all money that is or may be due by apportionment or otherwise to the different road and supervisorial district funds in the territory set apart to form the county of Riverside, which said amounts shall be properly credited to the respective districts in said counties.

SEC. 15. The said county of Riverside shall form and constitute the seventy-seventh assembly district, and a part of senatorial district number thirty-nine; and that part of the seventy-seventh assembly district remaining in San Bernardino county shall be attached to and constitute a part of the seventy-eighth assembly district until otherwise provided by law.

SEC. 16. Nothing contained in this act shall be held or construed as determining that said county of Riverside shall have been formed or created at any time other than at and upon the date of the passage and approval of this act.

SEC. 17. This act shall take effect and be in force from and after its passage and approval.

An act to create the county of Madera, to define the boundaries thereof, to determine the county seat, and to provide for the organization and election of officers, and to classify said county

[Approved March 11, 1893. In effect July 1, 1893.]

SECTION 1. There may be formed out of the northern part of Fresno county a new county to be named the county of Madera, in the manner and subject to the conditions herein named.

SEC. 2. The boundaries of the county of Madera shall be as follows: Beginning at a point where the third standard line south of Mount Diablo base line crosses the San Joaquin River, thence up the middle of said river following the meanderings thereof southeasterly and northeasterly to the point where said river crosses the south boundary line of township six south of range twenty-four east, Mount Diablo base and meridian; thence running northeast to the boundary line of Mono county; thence following the line now established between Mono county and the county of Fresno easterly to the corner common to the counties of Tuolumne, Mariposa and Fresno; thence following the line now established between the counties of Mariposa and Fresno to the southeast corner of the county of Merced; thence easterly following the line now established between the county of Merced and the county of Fresno to a point where said line is intersected by the San Joaquin River; thence, following up the middle of said river to the point of beginning.

SEC. 3. The county seat of the county of Madera shall be there as hereinafter provided.

SEC. 4. The governor shall, when this act takes effect, appoint five persons, residents and electors of the county of Madera, who shall be and constitute a board of commissioners to perfect the organization of said county, a majority of whom shall constitute a quorum. Said commissioners shall meet in the town of Madera on the twenty days after their appointment, and after being duly sworn to faithfully discharge their duties, as prescribed in this act, shall organize by choosing one of their number president, and shall appoint a clerk, who shall also be duly sworn to faithfully discharge his duties as clerk of said board of commissioners. Three of the members of said board shall be necessary to transact any business, and a majority of the votes of the members present at any meeting shall control in all matters coming before it. It shall be the duty of said board of commissioners, after they have been organized, at their first meeting, to divide the county of Madera into five supervisor districts as nearly equal in population as may be practicable and shall designate the boundaries and number of each, and shall establish and designate the voting precincts in said county, and the house or place in each precinct where the elections hereinafter provided for shall be held. Said commissioners and the clerk elected by them are hereby authorized and required to discharge the same duties as are now required by law of boards of supervisors and county clerks in the counties of this state, so far as the same apply to holding elections, canvassing returns, and issuing certificates

of the commissioners hereinbefore provided sioners shall order an election to be held Madera. There shall be chosen at said elec superior court, a district attorney, a count tax collector, a treasurer, a recorder, an auc superintendent of schools, a county surveyo lic administrator, and one supervisor for e trict. At said election there shall be submit electors of said county of Madera, as herein question whether they desire a separate co and for the purpose of ascertaining the choi the ballots used at said election shall have p words "For the new county of Madera—Y county of Madera—No"; and all ballots o marked with a stamp after the words "For Madera—Yes," shall be counted in favor county government; and all ballots on whic with a stamp after the words "For the new —No," shall be counted against such separ ment. At said election shall also be submitt electors the location of a county seat of said a petition of not less than five per cent of the of said county of Madera, asking that any t voted on for county seat, it shall be the du commissioners to place upon the ballots us herein provided for, after the words "For name of the town or locality petitioned for, with a stamp after the name of any town o counted as a vote in favor of such town or place receiving the highest number of votes declared by the commissioners the county se Said election shall be conducted in every otherwise herein provided, in accordance election law for the election of county and t

SEC. 6. All qualified electors of this stat residents and electors of the territory comp of Madera for ninety days preceding the elec in section five of this act shall be qualified to tion. The register of Fresno County used at tion held in the year eighteen hundred a

was printed, and the certificate of the county clerk of Fresno County, under seal, showing the registration of any qualified voter who resides in the territory forming the county of Madera up to the date of election, shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

SEC. 7. It shall be the duty of the secretary of state to furnish to the clerk of said board of commissioners the quantity of ballot paper ordered by said clerk for use at the election provided for in this act, upon payment by said clerk of the cost of such paper.

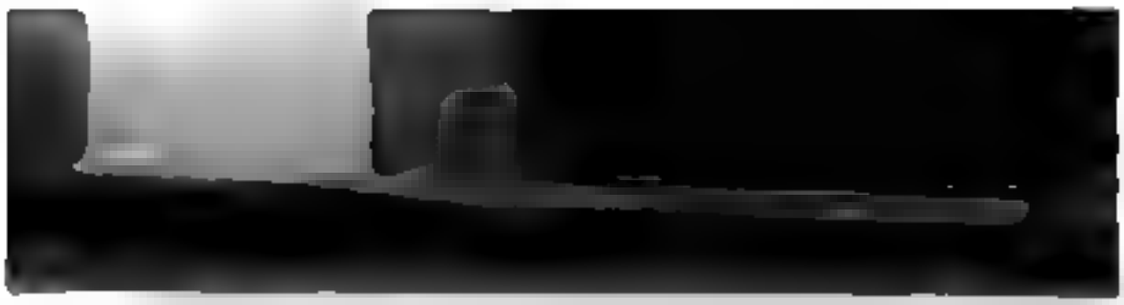
SEC. 8. If at said election a majority of two thirds of the votes cast on the question of separate county government shall be in favor of such separate county government, then the said territory hereinabove described shall be and become a separate county from and after the day upon which the returns of said election shall be ascertained and declared by said board of commissioners. But if at such election less than a majority of two thirds of the qualified electors voting for and against the creation of the proposed county vote for the creation of said county, then this act shall cease to be of any force or effect.

SEC. 9. Sealed returns from the officers of election of the several precincts shall be made to the board of commissioners, at such office as they shall select in the town of Madera, within six days after the day of election.

SEC. 10. Each person elected to fill an office of said county under the provisions of this act shall qualify in the manner provided by law for such officers, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as judge of the superior court shall qualify before the president of said board of commissioners, and persons elected to offices of said county other than the office of judge of the superior court shall qualify before the judge of the superior court or before the president of said board of commissioners, which said president of said board of commissioners, for said purpose, shall have power to administer to each of said persons his official oath.

SEC. 11. The officers elected or appointed under the provisions of this act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which the county of Madera belongs, under the general classification of counties in this state, and until otherwise provided by law, said county shall be classified as a county of the forty-second class.

SEC. 12. All duly elected and qualified supervisors of Fresno County who, at the taking effect of this act, are residents of the county of Madera shall hold their offices for the time provided by law upon having duly qualified as supervisors of the county of Madera for the respective districts in which they reside, as said districts are organized by action of the board of commissioners provided for in this act. All justices of the peace and all constables, duly elected and qualified, residents of the county of Madera at the taking effect of this act, shall



of election. They shall keep a full record of their proceedings, transmitting to the secretary of state a certified copy thereof, filing the original with the original election returns in the county clerk's office as soon as he shall have been qualified, and thereupon the powers and duties of said commissioners shall cease and terminate.

Sec. 4. Within six months from the time of the first meeting of the commissioners hereinbefore provided for said commissioners shall order an election to be held in said county of Madera. There shall be chosen at said election a judge of the superior court, a district attorney, a county clerk, a sheriff, a tax collector, a treasurer, a recorder, an auditor, an assessor, a superintendent of schools, a county surveyor, a surveyor, a public administrator, and such supervisors for each supervisorial district. At said election there shall be submitted to the qualified electors of said county of Madera as hereinafter directed the question whether they favor a separate county government and for the purpose of ascertaining the choice of said electors the ballots used at said election shall have printed thereon the words "For the new county of Madera—Yes" "For the new county of Madera—No" and a ballot on which a cross is marked with a stamp after the words "For the new county of Madera—Yes" shall be counted in favor of such separate county government and a ballot on which a cross is marked with a stamp after the words "For the new county of Madera—No" shall be counted against such separate county government. At said election there also be submitted to the qualified electors the question of a county seat of said county, and upon a petition of not less than five per cent of the qualified electors of said county of Madera asking that any town or locality be voted on for county seat it shall be the duty of the board of commissioners to place upon the ballots used at the election herein provided for after the words "For county seat" the name of the town or locality petitioned for, and a cross mark with a stamp after the name of any town or locality shall be counted as a vote in favor of such town or locality, and the place receiving the highest number of votes therefor shall be declared by the commissioners the county seat of said county. Said election shall be conducted in every respect except as otherwise herein provided in accordance with the general election laws for the election of county and township officers.

Sec. 5. All qualified electors of this state who have been residents and electors of the territory comprising the county of Madera for a sufficient time preceding the election provided for to entitle them to vote at such election shall be entitled to vote at said election. The register of Fresno County used at the general election held in the year eighteen hundred and ninety-two in the territory comprising the county of Madera shall be prima facie evidence of the qualifications of electors. The county clerk of Fresno County is hereby directed to furnish the commissioners of Madera County a certificate under his official seal showing the additional names of voters on the great register of Fresno County registered as residing in the territory of the county of Madera since the last great register of Fresno County

appointed and the certificate of the county clerk of Fresno county under his seal, showing the registration of any qualified voter who resides in the territory forming the county of Madera up to the date of election shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

SEC. 9. It shall be the duty of the secretary of state to furnish the clerk of said board of commissioners the quantity of ballot paper ordered by said clerk for use at the election provided for in this act, upon payment by said clerk of the cost of such paper.

SEC. 10. If at said election a majority of two thirds of the votes cast upon the question of separate county government shall be in favor of such separate county government, then the said territory hereinabove described shall be and become a separate county from and after the day upon which the returns of said election shall be ascertained and declared by said board of commissioners. But if at such election less than a majority of two thirds of the qualified electors voting for and against the creation of the proposed county vote for the creation of said county, then this act shall cease to be of any force or effect.

SEC. 11. Said returns from the officers of election of the several precincts shall be made to the board of commissioners, at the office as they shall select in the town of Madera, within ten days after the day of election.

SEC. 12. Each person elected to fill an office of said county under the provisions of this act shall qualify in the manner provided by law for such officers, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as judge of the superior court shall qualify before the president of said board of commissioners, and persons elected to offices of said county, other than the office of judge of the superior court, shall qualify before the judge of the superior court, or before the president of said board of commissioners, which said president of said board of commissioners, for said purpose, shall have power to administer to each of said persons his official oath.

SEC. 13. The officers elected or appointed under the provisions of this act shall each perform the duties and receive the compensation now provided by general law for the office which he has been appointed or elected in counties of the class to which the county of Madera belongs, under the general classification of counties in this state, and until otherwise provided by law, said county shall be classified as a county of the fifty-second class.

SEC. 14. All duly elected and qualified supervisors of Fresno county who, at the taking effect of this act, are residents of the county of Madera shall hold their offices for the time provided by law upon having duly qualified as supervisors of the county of Madera for the respective districts in which they reside as said districts are organized by action of the board of commissioners provided for in this act. All justices of the peace and all constables, duly elected and qualified, residents of the county of Madera at the taking effect of this act, shall

SEC. 13. The notaries public of Fresno Count
the county of Madera at the dates of their appoi
hold their offices until the expiration of their te
SEC. 14. The judge of the superior court cho
provisions of this act shall hold his office until
day in January, eighteen hundred and ninety-s
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SEC. 15. It shall be the duty of the tax co
county of Fresno, upon the demand of the tax c
county of Madera, to furnish, assign, and trans
collector of the county of Madera a complete lis
taxes assessed and levied during the year eigh
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shall file a duplicate list of such unpaid taxes a
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of Fresno County. The tax collector of the cou
shall give to the tax collector of the county of Fr
for said list of unpaid taxes, and shall file a dupl
the auditor of the county of Madera, and there
unpaid taxes shall become payable to the tax co
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receipt for the same.

SEC. 16. The superintendent of schools of t
Fresno shall furnish the superintendent of sc
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sus list of the different school districts in the terri
to form the county of Madera, and draw his wa
treasurer of Fresno County in favor of the supe
schools of the county of Madera for all

of Madera; and said funds shall be properly credited to the respective districts in said county.

SEC. 17. The county of Madera shall be comprised in the sixty-second and sixty-third assembly districts and in the eighteenth senatorial district as now established until otherwise provided by law.

SEC. 18. This act shall take effect and be in force from and after its passage and approval.

An act to create the county of Kings, to define the boundaries thereof, to fix the county seat thereof, and to provide for its organization and election of officers, and to classify said county.

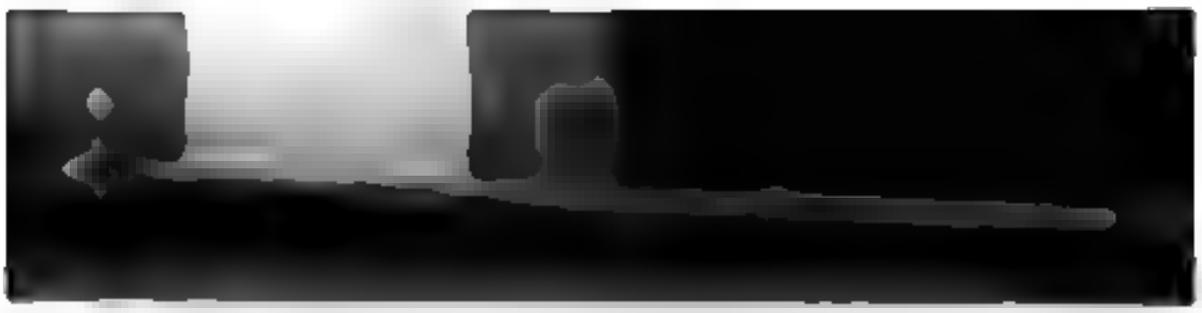
[Approved March 22, 1893. Stats. 1893, p. 176.]

SECTION 1. There may be formed out of the western part of Tulare county a new county, to be called the county of Kings, in the manner and subject to the conditions herein named.

SEC. 2. The boundaries of the said county of Kings shall be as follows: Beginning at the point where the fourth standard line south of Mount Diablo base line intersects or crosses the boundary line as now established by law between Tulare and Fresno counties, thence east to the northeast corner of section one, in township seventeen south, of range twenty-two east, Mount Diablo base and meridian; thence south six miles; thence east three miles; thence south nine miles to the southeast corner of section sixteen in township nineteen south, range twenty-three east, Mount Diablo base and meridian; thence west three miles to the southeast corner of section thirteen, township nineteen south, range twenty-two east, Mount Diablo base and meridian; thence south nine miles to the southeast corner of township twenty south, range twenty-two east, Mount Diablo base and meridian; thence west to the northeast corner of township twenty-one south, range twenty-two east, Mount Diablo base and meridian; thence south twenty-four miles to the boundary line between Kern and Tulare counties as now established by law; thence west along the said boundary line between Kern and Tulare counties, to the corner common to the counties of Tulare, Monterey, San Luis Obispo, and Kern, as now established by law; thence in a northwesterly direction along the boundary line between the counties of Monterey and Tulare as now established by law to the corner common to the counties of Tulare, Monterey and Fresno; thence in a northeasterly direction along the boundary line between Fresno and Tulare counties, as now established by law, to the place of beginning.

SEC. 3. The seat of justice of said county of Kings shall be at the city of Hanford until otherwise provided by law.

SEC. 4. The governor shall, when this act takes effect, appoint five persons, residents and electors of the county of Kings, who shall be and constitute a board of commissioners to perfect the organization of said county, a majority of whom shall constitute a quorum. Said commissioners shall meet in the city of Hanford within twenty days after their appointment, and after being duly sworn to faithfully discharge their duties as directed in this act, shall organize by electing one of their



number president, and shall elect a clerk, who shall also be duly sworn to faithfully discharge his duties as clerk of said board of commissioners. Three of the members of said board shall be necessary to transact any business, and a majority of the votes of the members present at any meeting shall control in all matters coming before it. It shall be the duty of said board of commissioners, after they shall have duly organized, at their first meeting, to divide the county of Kings into five supervisorial districts as nearly equal in population as may be practicable, and shall designate the boundaries and number of each, and shall establish and designate the several election precincts in said county, and the house or place in each precinct where the election hereinafter provided for must be held. Said commissioners and the clerk elected by them are hereby authorized and required to discharge the same duties as are now required by law of boards of supervisors and county clerks in the counties of this state, so far as the same apply to holding elections, canvassing returns, and issuing certificates of election. They shall keep a full record of their proceedings, transmitting to the secretary of state a certified copy thereof, filing the originals with the original election returns in the county clerk's office, as soon as he shall have been qualified, and thereupon the powers and duties of said commissioners shall cease and terminate.

[illegible] Within six months from the time of the first meeting of the commissioners hereto before provided for, said commissioners shall order an election to be held in said county of Kings. There shall be chosen at said election a judge of the superior court, a district attorney, a county clerk, a sheriff, a tax collector, a treasurer, a recorder and auditor, an assessor, a superintendent of schools, a county surveyor, a coroner, a public administrator, and one supervisor for each supervisor district; provided, that all duly elected and qualified supervisors of Tulare County who at the taking effect of this act, are residents of the county of Kings shall hold their offices for the time provided by law, upon having duly qualified as supervisors of the county of Kings for the respective districts in which they reside, as said districts are organized by action of the board of commissioners provided for in this act. At said election there shall be submitted to the qualified electors of said county of Kings, as hereinafter described, the question whether they desire a separate county government, and for the purpose of ascertaining the choice of said electors, the ballots used at said election shall have printed thereon the words "For the new county of Kings—Yes," "For the new county of Kings—No," and all ballots on which a cross is marked with a stamp after the words "For the new county of Kings—Yes," shall be counted in favor of such separate county government, and all ballots on which a cross is marked with a stamp after the words "For the new county of Kings—No," shall be counted against such separate county government. Said election shall be conducted in every respect, except as otherwise herein provided, in accordance with the general election law for the election of county and township officers.

SEC. 6. All qualified electors of this state who have been residents and electors of the territory comprising the county of Kings for ninety days preceding the election provided for in section five of this act shall be qualified to vote at said election. The register of Tulare County used at the general election held in the year eighteen hundred and ninety two in the territory comprising the county of Kings shall be prima facie evidence of the qualification of electors. The county clerk of Tulare County is hereby directed to furnish the commissioners of Kings County a certificate under seal showing the additional names of voters on the great register of Tulare County registered as residing in the territory of the county of Kings since the last great register of Tulare County was printed; and the certificate of the county clerk of Tulare County under seal showing the registration of any qualified voter who resides in the territory forming the county of Kings up to the date of election shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

SEC. 7. It shall be the duty of secretary of state to furnish to the clerk of said board of commissioners the quantity of ballot paper ordered by said clerk for use at the election provided for in this act, upon payment of the cost of such paper.

SEC. 8. If at said election two thirds of the votes cast on the question of separate county government shall be in favor of such separate county government, then the said territory hereinabove described shall be and become a separate county from and after the day upon which the returns of said election shall be ascertained and declared by said board of commissioners. But if at such election less than two thirds of the qualified electors voting for and against the creation of the proposed county vote for the creation of said county, then this act shall cease to be of any force or effect.

SEC. 9. Sealed returns from the officers of election of the several precincts shall be made to the board of commissioners at such office as they shall select in the city of Hanford, within six days after the day of election.

SEC. 10. Each person elected to fill an office of said county under the provisions of this act shall qualify in the manner provided by law for such officers and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as judge of the superior court shall qualify before the president of said board of commissioners; and persons elected to offices of said county other than the office of judge of the superior court shall qualify before the judge of the superior court or before the president of said board of commissioners, which said president of said board of commissioners for said purpose shall have power to administer to each of said persons his official oath.

SEC. 11. The officers elected or appointed under the provisions of this act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which the county of Kings belongs, under the general classi-

fraction of counties in this state and until otherwise provided by law, said county shall be classified as a county of the forty-third class.

SEC. 12. All justices of the peace and all constables, duly elected and qualified residents of the county of Kings at the taking effect of this act, shall hold their offices for the terms provided by law, upon having duly qualified as justices and constables of the county of Kings for the respective townships in which they reside. All persons now acting as such at the time of the taking effect of this act, residents of the county of Kings, shall hold their offices for the time provided by law, upon having duly qualified as such for the respective school districts in which they severally reside, as such districts are now organized.

SEC. 13. The notaries public of Tulare County, residents of the county of Kings at the dates of their appointments, shall hold their offices until the expiration of their terms.

SEC. 14. The judge of the superior court chosen under the provisions of this act shall hold his office until the first Monday after the first day of January eighteen hundred and ninety-seven, and until his successor is elected and qualified. The assessor and supervisors elected under the provisions of this act shall hold their offices until the first Monday after the first day of January eighteen hundred and ninety-five, or until their successors are elected and qualified. The other officers hereinbefore enumerated shall hold their offices until the first Monday after the first day of January eighteen hundred and ninety-five, or until their successors are elected and qualified. The successors of the officers elected under this act shall be chosen at the general election established by law which takes place next preceding the expiration of their respective terms of office.

SEC. 15. It shall be the duty of the tax collector of the county of Tulare, upon the demand of the tax collector of the county of Kings, to furnish, assign and transfer to the tax collector of the county of Kings a complete list of all unpaid taxes assessed and levied during the year eighteen hundred and ninety-two on property situated within the boundaries of the county of Kings. The tax collector of the county of Tulare shall file a duplicate list of such unpaid taxes assessed within the boundaries of the county of Kings with the county auditor of Tulare County. The tax collector of the county of Kings shall give to the tax collector of the county of Tulare a receipt for said list of unpaid taxes, and shall file a duplicate list with the auditor of the county of Kings, and thereupon all such unpaid taxes shall become payable to the tax collector of the county of Kings, and he is hereby authorized to collect and receipt for the same.

SEC. 16. The superintendent of schools of the county of Tulare shall furnish the superintendent of schools of the county of Kings with a certified copy of the last assessment list of the different school districts in the territory set apart to form the county of Kings, and draw his warrant on the treasurer of Tulare County in favor of superintendent of schools of the county of Kings, for all money that is or may be due, by appor-

tionment or otherwise, to the different school districts of the county of Kings. The auditor of the county of Tulare shall in like manner draw his warrant in favor of the auditor of the county of Kings for all money that is or may be due by apportionment or otherwise, to the different road district funds in the territory set apart to form the county of Kings, and said funds shall be properly credited to the respective districts in said Kings County.

SEC. 17. The board of supervisors of Kings County are hereby authorized to provide suitable books, and contract with some competent person to transcribe from the records of Tulare County such parts thereof as relate to property situated in Kings County, and said records, when so transcribed and certified, shall have the same force and effect as such original records. The compensation for said services shall be fixed and allowed by the board of supervisors of Kings County, not to exceed for transcribing fifteen cents per folio. The recorder of Tulare County shall examine said transcript, and certify to the correctness of each deed, mortgage, and other instruments, and affix his seal to the same, for which service he shall receive a sum not to exceed twenty-five cents for each instrument so examined, certified, and sealed.

SEC. 18. The county of Kings shall be attached to and form a part of the sixty-fourth assembly district and of the thirty-second senatorial district as now established until otherwise provided by law.

This act shall take effect and be in force from and after its passage and approval.

An act to provide for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

[Approved March [illegible], [illegible]. Stats. [illegible], p. [illegible].]

SECTION 1. Whenever a new county has been formed within the state, it shall be the duty of the treasurer of the county or counties out of whose territory said new county shall have been formed to immediately cause to be transferred to the county treasurer of the new county thus formed all moneys standing to the credit of or belonging to any road or school district, the territory comprising which has been segregated from such old county, and which is included in the boundaries of such new county.

SEC. 2. Whenever, in the formation of a new county, a road or school district has been divided, the board of supervisors shall, by order, direct the treasurer to transfer a proportionate amount of the moneys remaining in the fund of such district to the treasurer of the new county.

SEC. 3. This act shall be held to apply expressly to counties heretofore divided and new counties created from the territory of the same, when no provision was made in the act creating such county for the transfer of the moneys herein provided to be made.

SEC. 4. A compliance with the provisions of this act shall be a full and complete settlement of all demands which the new county had against the old county or counties.

SEC. 5. This act shall take effect immediately.

3916. *An act to change and permanently locate the boundary lines between the counties of Glenn and Colusa*

[Approved March 11, 1893. Stats. 1893, p. 148.]

SECTION 1. The boundary lines between the counties of Glenn and Colusa are hereby established and permanently located, as follows: Beginning at a point on the boundary line between the counties of Colusa and Lake as now established by law, at the northwest corner of the southwest quarter of section thirty, township eighteen north, range eight west, Mount Diablo base and meridian, running thence east along the half-section line, and one and one-half miles north of the line dividing townships seventeen and eighteen, of Mount Diablo base and meridian, to range line dividing township eighteen north, two and three west; running thence north two miles to northeast corner of southeast quarter of section thirteen, township eighteen north, range three west; running thence east along the half-section line to the center of the Sacramento River, thence down the center of the said Sacramento River, in a southeasterly course, to a point where a line between Glenn and Colusa counties crosses the said Sacramento River; thence east to Butte Creek.

SEC. 2. All other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

3926. *Boundary of Sutter County.* Beginning at the northwest corner of Sacramento County, as established in section thirty-nine hundred and twenty-eight; thence up the Sacramento River to the mouth of Butte Creek Slough; thence down said slough to the dividing line between sections thirty-five and thirty-six, township sixteen north, range one west, Mount Diablo base and meridian; thence north, on said line, to Butte Creek; thence following said Butte Creek to its intersection with the south line of section nineteen, township seventeen north, range one east, Mount Diablo base and meridian; thence east on section line to Feather River; thence down Feather River to mouth of Bear River; thence up Bear River to northwest corner of Placer County, as established in section thirty-nine hundred and twenty-four; thence along the western boundary of Placer County to the southwest corner thereof; thence westerly along the northern boundary of Sacramento County to the place of beginning. [*Amendment approved March 31, 1891, in effect immediately.*]

3943. Boundary—San Bernardino and San Diego: 87 *Cal.* 297.

3944. Boundary between San Bernardino and San Diego: 87 Cal. 267.

3960. Boundaries — Mandamus to surveyor-general. 87 Cal. 267.

4008. Defective bridge, liability for; 67 Cal. 77; 78 Cal. 201.

4006. Classification of new counties: 81 Cal. 489; 88 Cal. 530; 89 Cal. 522.

4030. Failure of clerk to authenticate record, effect of: 91 Cal. 432.

4045. This section was repealed by the County Government Act: 86 Cal. 255.

Ordinance fixing licenses — Validity: 70 Cal. 59; 66 Cal. 442; 71 Cal. 242; 89 Cal. 228.

4046. Collection of money due county. — Hiring of special counsel: 67 Cal. 249; 88 Cal. 510.

Compensation of officer: 95 Cal. 329; increase of compensation: 87 Cal. 394; 95 Cal. 471.

County physician, appointment of: 78 Cal. 111.

Erection of jail — Adoption of plan: 74 Cal. 502.

4048. County bonds: 74 Cal. 332; 75 Cal. 452; 88 Cal. 149; 92 Cal. 117; 89 Cal. 15; 90 Cal. 359; holder of overissued bonds, rights of: 92 Cal. 117.

Effect of County Government Act on this section: 66 Cal. 25.

4064. Order of publication of election proclamation: 91 Cal. 432.

4070. Payment of indebtedness — Annual income: 74 Cal. 256; 75 Cal. 502.

4072. Payment of account — Verification of claim: 69 Cal. 528; order of payment, priority: 74 Cal. 258.

4082. Mileage of supervisors: 78 Cal. 270.

4085. *Power of board in improvement of streams.* The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams within the county for use as public highways for rafting and floating lumber, and also protecting the banks and adjacent lands from overflow of such streams, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed,

shall hold the office of district attorney who has r
admitted by the superior court of this state to pra
an attorney and counselor at law. [*New sectio*
March 31, 1891; Stats. 1891, p. 287.]

4290. *An act to provide for furnishing assistants to t*
of each city or city and county having one hundred th
more inhabitants, and providing the mode in which su
ants shall be appointed and designated, and establishin
pensation and prescribing the duties of such assistants.

[Approved March 23, 1893; Stats. 1893, p. 190.]

SECTION 1. It shall be lawful for the coroner of e
or city and county of this state having one hundred t
or more inhabitants to select and appoint five a
Such assistants shall hold their respective offices at t
ure of said appointing power.

SEC. 2. Such assistants shall be classified and desig
follows: First deputy coroner, second deputy coron
deputy coroner, fourth deputy coroner, messenger. S
uties shall be allowed and receive salaries as follows:
ary of the first deputy shall be two hundred dollars pe
the salary of the second deputy shall be one hundred
dollars per month; the salary of the third and fourth
shall be one hundred and twenty-five dollars per mon
the salary of the messenger shall be seventy-five do
month. It shall be the duty of said deputies to act a
coroners in all matters, except as to those duties whic
bidden to be delegated. It shall be the duty of the m
to have charge of the dead-wagon, keep in order the
and perform such other duties as are required by the
or his deputies.

SEC. 3. The salaries of the said assistants shall be
and paid monthly out of the general fund of the sai
city and county.

4331 Salaries, increasing or lowering: 65 Cal. 122; 81 Cal. 68; 89 Cal. 322.

4334 *Fees to be paid to treasurer.* In all cases in which any provision of law authorizes an officer who receives a salary to perform an official act, and he performs such act, all fees chargeable for the performance of such act shall be collected by him and paid over to the treasurer or other officer authorized by law to receive the same. [*New section added March 10, 1891. Stats. 1891, p.* [illegible].]

4354 Petition for incorporation: 85 Cal. 50.

Notice of election for incorporation. 70 Cal. 461; 85 Cal. [illegible].

Mandamus to compel canvass of returns. 80 Cal. 50.

Subjection to general laws. 85 Cal. 343; 94 Cal. 73; 86 Cal. [illegible]; [illegible] Cal. [illegible].

Charter. Adoption, approval, and validity: 85 Cal. [illegible]; [illegible] Cal. 543; [illegible] Cal. 238; 79 Cal. 173; 92 Cal. 611.

Usurpation of franchise. Quo warranto. 92 Cal. 611; [illegible] Cal. [illegible].

Classification of cities, act providing for, is constitutional. [illegible] Cal. 310.

Effect of constitution on existing corporations. 69 Cal. 88.

Changing name and government of. 89 Cal. 38.

An act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

[Approved March 9, 1893. Stats. 1893, p. 96.]

SECTION 1. Whenever any city, town, or subdivision of land into lots, or any addition to any city, town, or such subdivision shall be laid out into lots for the purposes of sale, the proprietor or proprietors thereof shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing,—

First. All the parcels of ground within such city, town, addition, or subdivision reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, or other public uses; and

Second. All lots intended for sale, either by number or letter, and their precise length and width.

SEC. 2. *Such map or plat shall be acknowledged by the proprietor, or if any incorporated company, by the chief officer*

within any city, town, subdivision, or addition be
or plat thereof is made out, acknowledged, filed, a
vided, is guilty of a misdemeanor, and upon convi
shall be punished by a fine of not less than twent
and not more than five hundred dollars, or by i
in the county jail not to exceed six months, or b
and imprisonment.

4357. Boundaries of city — Annexing or territory: 77 Cal. 511; 89 Cal. 387; 95 Cal. 450; 8
Cal. 611; 91 Cal. 621; 85 Cal. 369.

Election to determine boundaries — Ma
Cal. 369.

An act providing for the adjustment, settlement, and pa indebtedness existing against any city or municipa at the time of exclusion of territory therefrom, and t the property thereof.

[Approved March 25, 1893; Stats. 1893, p. 5

SECTION 1. That where any territory has been o
cluded from any city or municipal corporation, t
court of the county in which such city or munici
tion is situate shall, upon a verified petition of
payers residing in such city or municipal corpor
the territory excluded, made for the purpose of ad
amount of the indebtedness of such city or muni
ration existing at the time of the exclusion of su
due from the excluded territory, and stating the f
exclusion and the amount of such indebtedness, c
to be given by publication thereof in a newspape
in such city or municipal corporation, or in a new
lished in the county in which such city or munici
tion is situated, for ten days, stating the substa
petition, and the time and place that the same sha
by said superior court, which time of hearing shal
fifteen days after the filing of such petition, or at any
after to which such hearing may be continued by t

Any person, corporation, or tax-payer interested
or municipal corporation, or in such excluded te
in the adjustment and settlement of such indebte

Upon the hearing of such special proceedings, the court shall have power to determine the amount due from such excluded territory to the city or municipal corporation from which it was excluded as its proportion of the indebtedness of such city or municipal corporation existing at the time such territory was excluded. In fixing the amount due from such excluded territory, the said court must ascertain and find the purposes for which the said indebtedness was created, the manner and place in which the proceeds of said indebtedness were expended, the value of the property belonging to the said city or municipal corporation at the time of such exclusion, the assessed value of the property situate in said city or municipal corporation at the time the city assessment was made immediately preceding such exclusion, and the assessed value of the excluded territory as shown by such city assessment. If the value of the property belonging to said city or municipal corporation and which remains within the boundaries thereof after such exclusion should exceed the value of city or municipal property situated in such excluded territory, and also exceed the pro-rata portion of the indebtedness of the city or municipal corporation due from such excluded territory as shown by said assessment, the court shall find and adjudge that there is nothing due from such excluded territory. After such finding is made and judgment rendered by the court, such excluded territory shall not be subject to the payment of any such indebtedness and all property belonging to such city or municipal corporation remaining within its boundaries shall belong exclusively to it.

If the court finds, after deducting the value of the city or municipal property from the value of that in the excluded territory and the pro-rata portion of the indebtedness to be borne by such excluded territory, a balance due from such excluded territory, it shall render judgment accordingly, and the amount of such judgment shall be collected and paid in the same manner and at the same time that the assessment is levied for and the collection of the annual municipal taxes is made upon the property remaining in such city or municipal corporation for any payment on account of such indebtedness, provided, however, that any such territory excluded from any city or municipal corporation may, at any time, tender to the legislative body of such city or municipal corporation the amount for which such excluded territory is liable on account of such indebtedness, and after such tender is made, the authority of such city or municipal corporation [illegible] and assess taxes on such excluded territory shall forever cease.

SEC. 3. This act shall take effect and be in force from and after its passage.

4807. Term of office of first board of city trustees. [illegible]

4869. Creation of local offices. [illegible]

Power to create offices cannot be delegated. [illegible]

4871. Municipal tax. Limit of rate. [illegible]

SEC. 3. Every person who sells or offers for within any city, town, subdivision, or addition be or plat thereof is made out, acknowledged, filed, a vided, is guilty of a misdemeanor, and upon convic shall be punished by a fine of not less than twenty and not more than five hundred dollars, or by in in the county jail not to exceed six months, or bo and imprisonment.

4357. Boundaries of city — Annexing or territory: 77 Cal. 511; 89 Cal. 387; 95 Cal. 450; 86 Cal. 611; 91 Cal. 621; 85 Cal. 369.

Election to determine boundaries — Man Cal. 369.

An act providing for the adjustment, settlement, and pay indebtedness existing against any city or municipal at the time of exclusion of territory therefrom, and the the property thereof.

[Approved March 25, 1893; Stats. 1893, p. 536

SECTION 1. That where any territory has been or s cluded from any city or municipal corporation, th court of the county in which such city or municips tion is situate shall, upon a verified petition of an payers residing in such city or municipal corporat the territory excluded, made for the purpose of adj amount of the indebtedness of such city or munici ration existing at the time of the exclusion of such due from the excluded territory, and stating the fac exclusion and the amount of such indebtedness, ca to be given by publication thereof in a newspaper in such city or municipal corporation, or in a newsp lished in the county in which such city or municipa tion is situated, for ten days, stating the substanc petition, and the time and place that the same shall by said superior court, which time of hearing
fifteen days

Upon the hearing of such special proceedings, the court shall have power to determine the amount due from such excluded territory to the city or municipal corporation from which it was excluded as its proportion of the indebtedness of such city or municipal corporation existing at the time such territory was excluded. In fixing the amount due from such excluded territory, the said court must ascertain and find the purposes for which the said indebtedness was created, the manner and place in which the proceeds of said indebtedness were expended, the value of the property belonging to the said city or municipal corporation at the time of such exclusion, the assessed value of the property situate in said city or municipal corporation at the time the city assessment was made immediately preceding such exclusion, and the assessed value of the excluded territory as shown by such city assessment. If the value of the property belonging to said city or municipal corporation, and which remains within the boundaries thereof after such exclusion, should exceed the value of city or municipal property situated in such excluded territory, and also exceed the pro rata portion of the indebtedness of the city or municipal corporation due from such excluded territory as shown by said assessment, the court shall find and adjudge that there is nothing due from such excluded territory. After such finding is made and judgment rendered by the court, such excluded territory shall not be subject to the payment of any such indebtedness, and all property belonging to such city or municipal corporation remaining within its boundaries shall belong exclusively to it.

If the court finds, after deducting the value of the city or municipal property from the value of that in the excluded territory, and the pro rata portion of the indebtedness to be borne by such excluded territory, a balance due from such excluded territory, it shall render judgment accordingly, and the amount of such judgment shall be collected and paid in the same manner and at the same time that the assessment is levied for, and the collection of the annual municipal taxes is made upon the property remaining in such city or municipal corporation for any payment on account of such indebtedness; provided, however, that any such territory excluded from any city or municipal corporation may, at any time, render to the legislative body of such city or municipal corporation the amount for which such excluded territory is liable on account of such indebtedness, and after such tender is made, the authority of such city or municipal corporation to levy and assess taxes on such excluded territory shall forever cease.

Sec. 2. This act shall take effect and be in force from and after its passage.

4807. Term of office of first board of city trustees. 65 Cal. 4[illegible].

4809. Creation of local offices. 65 Cal. 4[illegible].

Power to create offices cannot be delegated. 65 Cal. 4[illegible].

4871. Municipal tax—Limit of rate. 65 Cal. 3[illegible].

4391. *An act to provide for furnishing assistants to cer ney and counselor, city attorney, and city and county and to each law officer, of whatever official name he may nated, officially conducting the civil litigation of each cit and county having one hundred thousand or more inh and providing the mode in which such assistants sha pointed and designated as officers of each city or city and* ***and establishing the compensation and prescribing the such assistants.***

[Approved March 11, 1891; Stats. 1891, p. 95.]

SECTION 1. It shall be lawful for the attorney and co city attorney, or city and county attorney, or the law officially conducting the civil litigation, by whatever n is now or hereafter may be designated, in each city or c county of this state having one hundred thousand c inhabitants to select and appoint four assistants. Such ants shall be persons learned in the law, and practitio the supreme court of this state, and shall be appointed attorney and counselor, city attorney, or city and co torney, or law officer conducting the civil litigation city or city and county, and hold their respective office pleasure of the said appointing power.

SEC. 2. Such assistants shall be classified and desig follows: First assistant, second assistant, third assista fourth assistant. The said assistants shall be allowed ceive salaries as follows: The salary of the first assista be three hundred dollars per month; the salary of the assistant shall be two hundred and fifty dollars per the salary of the third assistant shall be two hundred per month; and the salary of the fourth assistant one h and fifty dollars per month. The duties of said assistan be to attend to the civil litigation of the city or city and for which they are appointed, under the direction of t appointing power; *providing*, that nothing in this statu be so construed as to repeal any existing law or laws gi authorizing clerical assistance to or for the said law of officers; *and providing, furthermore*, that the board of su ors, common council, or other governing board of such city and county shall have power to allow to such law of

4392. Liability of sureties of treasurer: 85 Cal. 148.

4403. Office of supervisor of the first board does not exist in San Francisco: 89 Cal. 141; 88 Cal. 430.

4403. Compensation of city marshal: 87 Cal. 520.

Power to appoint license collector: 65 Cal. 288; 70 Cal. 35.

Control of municipal funds: 87 Cal. 603.

Grades and boundaries of streets: 91 Cal. 621; 78 Cal. 637; 67 Cal. 45; 72 Cal. 146.

Obstructions in streets — Legalizing nuisances: 93 Cal. 241; 87 Cal. 91.

Police. — Appointment: 85 Cal. 408; police commissioner: 89 Cal. 141.

Fire department. — Ordinance, when invalid: 96 Cal. 605.

Sewers, construction, plans for — Eminent domain: 91 Cal. 238; 96 Cal. 183; assessment for: 96 Cal. 188; 96 Cal. 191; 82 Cal. 11; promise to pay for, when without consideration: 96 Cal. 183; negligence in construction, liability for, see *post*.

Purchase of real property: 87 Cal. 631.

Negligence of officers or agents, liability for: 84 Cal. 12; 81 Cal. 618; 78 Cal. 588; 96 Cal. 183.

Ordinances. — (*a*) *General rules.* — Conflict with general law: 84 Cal. 71; 8 Cal. 208; invalidity of part: 87 Cal. 499; 85 Cal. 208; establishing rules of evidence: 85 Cal. 208; publication of: 85 Cal. 208; reasonableness of: 94 Cal. 387; 88 Cal. 99; 89 Cal. 467; adoption of code sections by reference to number: 87 Cal. 499; rules for construction: 68 Cal. 294; act required to be done by resolution may be done by ordinance: 65 Cal. 283; conclusiveness of determination of supervisors: 82 Cal. 286; 91 Cal. 589; ordinance partly void: 85 Cal. 208.

(*b*) *Limiting employment of labor:* 85 Cal. 274.

(*c*) *Punishing acts punishable by general law:* 73 Cal. 142.

(*d*) *Exterminating animals:* 87 Cal. 162.

(*e*) *Licensing peddlers:* 92 Cal. 492.

(*f*) *Prohibiting pool-selling:* 91 Cal. 589.

(*g*) *Restricting or regulating saloons:* 74 Cal. 20; 89 Cal. 467

(*h*) *Obscene language:* 89 Cal. 41.

(*i*) *Obstructing sidewalks:* 87 Cal. 91.

(*j*) *Laundry ordinances:* 96 Cal. 183; 68 Cal. 149; 65 Cal. 33; 68 Cal. 294; 67 Cal. 102.

(*k*) *Fire limits:* 72 Cal. 125; 76 Cal. 511.

(*l*) *House of prostitution:* 73 Cal. 228; 88 Cal. 99.

(*m*) *Opium-smoking:* 73 Cal. 142.

(*n*) *Keeping of cows in city:* 72 Cal. 114.

(*o*) *Slaughtering of animals:* 65 Cal. 609.

(*p*) *Fixing water rates:* 82 Cal. 286; 90 Cal. 635.

(*q*) *Passage of ordinance:* 74 Cal. 578; 69 Cal. 88; 66 Cal. 642; 72 Cal. 125; 65 Cal. 283; 78 Cal. 365; 96 Cal. 362.

(*r*) *Excess of power, legislative confirmation:* 91 Cal. 338.

(e) *Violation and punishment* 69 Cal. 88; 94 Cal. 387, habeas corpus 84 Cal. 304; 97 Cal. 91.

Van Ness ordinance 70 Cal. 320, 85 Cal. 155; 92 Cal. 414; 92 Cal. 209, 92 Cal. 437, 92 Cal. 378.

An act to amend section six and section eight of an act approved March 13, 1889, entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this state for the construction of water-works, sewers and all necessary public improvements or for any purpose whatever" and to repeal the act approved March 4, 1885, entitled "An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants to obtain water-works", and to repeal an act approved March 16, 1887, entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state"

[Approved March 1, 1893, Stats. 1893, p. 61.]

SECTION 1. Section six of the act the title of which is recited aforesaid in the title of this act is hereby amended to read as follows: —

Section 6. All municipal bonds for public improvements issued under the provisions of this act shall be of the character of bonds known as serials, and shall be payable in gold coin or lawful moneys of the United States, in the manner following: One fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the legislative branch of the municipality issuing the bonds, together with the interest on all sums unpaid at such date. The bonds shall be issued in such denominations as the legislative branch of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars nor of a greater denomination than one thousand dollars each, payable on the day and at the place fixed in such bond, and with interest at the rate specified in the bond, which rate shall not be in excess of the legal rate of the state of California, and may be payable annually or semi-annually. Such bonds may be issued and sold by the legislative branch of the city, town, or municipal corporation, as they may determine, at not less than their face value, in gold coin of the United States, and the proceeds of such sale shall be placed in the municipal treasury to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund of such municipality.

SEC. 2. Section eight of the act the title of which is recited aforesaid in the title of this act is hereby amended to read as follows:

Section 8. The legislative branch of said city, town, or municipal corporation shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided,

levy and collect annually, each year, for the term of forty years, a tax sufficient to pay the annual interest on such bonds, and also one fortieth part of the aggregate amount of such indebtedness so incurred. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act to provide and regulate the manner of receiving and paying fees, commissions, percentages, and other compensation for official services in cities and cities and counties having a population of over one hundred thousand inhabitants, and prescribing the duties of officers with reference thereto.

(Approved March 11, 1880, Stats. 1880, p. 127.)

SECTION 1. The salary of every officer of every city or city and county of this state having a population of over one hundred thousand inhabitants, as such salary now is or hereafter shall be fixed by law, shall be in full payment and compensation for all services performed by such officer in any official capacity whatever; provided that in case any official is now or shall hereafter be allowed by law, as compensation for his official services, a salary of less than one thousand dollars per annum and the fees of his office, such compensation, viz., the salary of less than one thousand dollars per annum and the fees of his office, shall be in full payment and compensation for all services performed by such officer.

SEC. 2. Such salaried officers shall not receive or accept any fee, payment, or compensation whatever, directly or indirectly, for any services performed by them in their official capacity, nor any fee, payment, or compensation for any official service performed by any of their deputies, clerks, or employees, whether performed during or after official business hours; nor shall any deputy, clerk, or employee of such officers receive or accept any fee, compensation, or payment other than their salaries as now or hereafter fixed by law, for any work or service performed by them of any official nature, or under color of office, whether performed during or after official business hours.

SEC. 3. In all such cities or cities and counties of this state, every fee, commission, percentage, allowance, or other compensation whatever authorized by law to be charged, received or collected by any officer thereof for any official service, except the salary allowed by law, payable from the treasury of such city or city and county, must be paid by the person for whom such service is performed, to the treasurer of such city or city and county, in the manner herein provided.

SEC. 4. It shall be the duty of every officer of such cities or cities and counties authorized by law to charge, receive, or collect any fee, commission, percentage, allowance, or compensation whatever for the performance of any official service or duty of any kind or nature, or rendered in any official capa-

city, or by reason of any official duty or employment whatsoever, to deliver to the person requiring such service or duty a certificate, in writing, signed by such officer, which shall certify the nature of the official service to be performed and the amount of the fee, commission, percentage, allowance, or compensation allowed by law therefor. The person receiving such certificate shall deliver the same to the treasurer of such city or city and county, and shall pay to such treasurer the amount named in such certificate, and thereupon such treasurer shall deliver to such person a receipt for the money so paid, which shall show the amount of money received, the day and hour when paid, the name of the person paying the same, the nature of the service to be performed, and the name and official designation of the person by whom the service is to be performed; and like entries shall be made upon the stub of such receipt, which shall be kept by such treasurer. Upon the delivery of such treasurer's receipt to the officer therein designated such officer shall deliver to such person a certificate containing the same items as appear in such receipt, and acknowledging the delivery to him of such receipt, and the day and hour the same was delivered to him, and such officer shall then perform the service or duty in such receipt described as required by law. The treasurer shall place all such moneys so received by him to a fund, to be designated the "Unapportioned Fee Fund," which is hereby created and shall keep such fund as other funds in the treasury are kept, and shall be liable on his official bond for all moneys so received.

SEC. . The auditor or other proper officer of such city or city and county must prepare and deliver from time to time, to the treasurer and to every officer of such city or city and county authorized by law to charge any fee, commission, percentage, allowance, or compensation whatsoever for the performance of any official service or duty of any kind or nature, as many official certificates and receipts as may be required, charging the treasurer or other officer receiving them therefor with such official certificates and receipts; which must be bound in books containing not less than one hundred such certificates or receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with each certificate and receipt. When the books containing such certificates and receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

SEC. 6. When a receipt as herein provided is issued by the treasurer of such city or city and county, there must be entered upon the date of payment, the name of the person making the payment, and the amount of such payment, and the nature of the service for which the charge is made, and the name and official *designation* of the officer performing the service, and shall *make corresponding* entries on the stub of such receipt.

SEC. 7. Whenever any certificate or receipt is issued by any *officer of* such city or city and county, other than the treas-

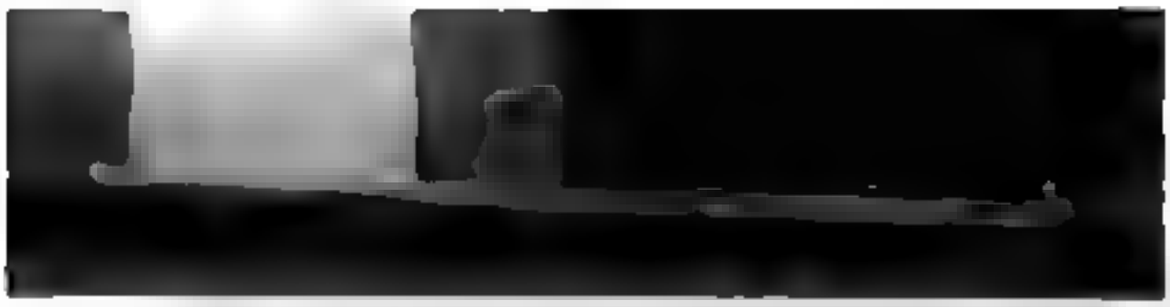
ure thereof as herein provided, he shall state therein the day and hour of the delivery to him of the treasurer's receipt, the nature of the service therein described and the amount charged therefor, and the name of the person by whom such receipt is delivered to him, and shall make corresponding entries on the stub to which such certificate or receipt is attached.

SEC. 6. On the first day of each month the treasurer of each city or city and county must make to the auditor or other proper officer thereof a report under oath, of all moneys received by him, as provided in this act during the preceding month, showing the date and number of the certificate on which the money was received, the amount of each payment, and by whom paid, and the nature of the service, and the name and official designation of the officer performing the service; and at the same time, or oftener if required by the auditor so to do, exhibit to the auditor all official certificates received by him during the previous month and all official receipts remaining in his hands unused or not issued at the close of business on the last day of the preceding month.

SEC. 7. On the first day of each month every officer of such city or city and county authorized by law to charge any fee, commission, percentage or emolument, or compensation whatsoever must make to the auditor a report under oath of all official certificates and receipts issued by him during the preceding month, showing the date and number of each certificate and receipt to whom issued, the nature of the service for which the charge was made, and the amount of such charge; and must at the same time exhibit to the auditor or other proper officer, or oftener if required so to do, all treasurer's receipts deposited with him during the preceding month, and all official certificates and receipts remaining in his hands unused or not issued at the close of business on the last day of each preceding month.

SEC. 8. Upon receiving the reports prescribed by sections eight and nine of this act, the auditor or other proper officer of each city or city and county shall examine and settle the accounts of each officer thereof, and apportion such moneys to the fund or funds to which it is appropriated by law, and certify such apportionment to the treasurer who shall thereupon transfer from the unapportioned fund the amounts so certified, and credit each fund entitled thereto with the proper amount so apportioned.

SEC. 11. Every such officer of said cities or cities and counties who is by law allowed to charge and collect mileage for the service of process, and for like service, shall at the end of each month prepare and deliver to the auditor or other proper officer of such city or city and county a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer by whom served, the number of miles actually traveled in making such service, the exact day when such service was made, and between what hours of said day, which statement shall be verified by the oath of such officer. Such auditor or other proper officer of



such city or city and county shall thereupon have the power and he is directed to examine such statement, and issue his warrant upon the treasurer of such city or city and county for such amount of money as shall, in his judgment, fully reimburse such officer for his lawful expenses in making such services, and such warrant shall be paid by such treasurer, without further approval, out of the "unapportioned fee fund"; but no extra mileage shall be charged or allowed for service of two or more processes served on the same trip by the same deputy or deputies, except for extra mileage actually traveled in serving the additional process, and all mileage charged in violation of this section shall be disallowed by such auditor or other proper officer and all amounts disallowed for any reason shall be apportioned to the general fund of such city or city and county. Any officer of said cities or cities and counties who, during the preceding month, performed any service for which he is expressly authorized by law to employ a person at a certain or stated per diem fixed by law to perform such service other than his regular deputies or other assistants, whose salaries are paid from the public treasury of such city or city and county, and a person is so employed, and a service is actually performed by such person, and the charge therefor has been paid to the treasurer for the service of the person so employed, such officer shall, at the end of each month, prepare and deliver to the auditor or other proper officer of such city or city and county a statement showing the case or instance in which such service was performed and for whom performed, the name of the person so employed and by whom the service was performed, the amount of the charge therefor, the time actually employed in performing such service, and the dates of the beginning and ending of the period during which such person was so employed in performing such service, which statement shall be verified by the oath of such officer. Such auditor or other proper officer shall thereupon examine such statement, and if he finds the same to be correct, he shall audit and allow the verified demand of such person so employed and performing the service for the sum or sums so earned by him and paid to the treasurer for such service, and the treasurer shall pay such demand so audited and allowed, without further approval, out of the "unapportioned fee fund."

Sec. 12. This act shall not apply to any payment required to be made on account of the loss or collection or delinquency of any tax upon property, or any poll tax, nor for any city or city and county license, but all such moneys shall be paid to and shall be accounted for in the same manner and by the same officers as are now required by law to charge, receive, collect, or account for the same.

Sec. 13. All acts or parts of acts in so far as they conflict with the provisions of this act are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after the first day of January, eighteen hundred and ninety-five.

4409. New constitution, effect of on street law: 93 Cal. 159; 79 Cal. 45; 79 Cal. 278.

Opening and widening of streets: 72 Cal 367; 72 Cal 404; 79 Cal. 449; 96 Cal. 37; 95 Cal 457.

Montgomery avenue: 72 Cal 404; 79 Cal. 388; 82 Cal. 11; 93 Cal. 85.

Street improvements and assessments: —

Law governing and validity 69 Cal. 479, 69 Cal. 465; 73 Cal. 73; 68 Cal. 91; 96 Cal. 404; 79 Cal. 278.

Strict construction of statute: 89 Cal. 316; 88 Cal. 568.

Power of supervisors and superintendent — jurisdiction: 76 Cal. 222; 70 Cal. 534; 65 Cal. 374. 72 Cal. 154; 79 Cal 278; 84 Cal. 141, 87 Cal. 40, 89 Cal. 304; 90 Cal. 610

Letting of contract. 90 Cal. 610; 72 Cal. 5; 73 Cal. 73; 69 Cal. 465; 69 Cal. 479.

Petition: 84 Cal. 181; 87 Cal. 40. 93 Cal 159.

Notice, posting, and publication 65 Cal. 313; 72 Cal 404; 79 Cal. 439. 96 Cal. 37; 88 Cal. 568; 90 Cal. 1; 90 Cal. 37; 96 Cal. 404; 88 Cal 568.

Assessment, record, apportionment, extent of, excess: 69 Cal 637; 66 Cal. 533; 78 Cal. 637; 80 Cal. 8; 86 Cal. 37, 86 Cal. 465, 87 Cal. 214, 87 Cal. 576; 89 Cal 304.

Previous grading. 87 Cal. 40.

Street crossing, separate diagram: 93 Cal. 159; 75 Cal. 360; 88 Cal. 586

Location and description of property: 87 Cal. 576; 93 Cal. 159.

Second contract, new assessment: 69 Cal. 637; 87 Cal. 40; 87 Cal. 576.

Appeal: 66 Cal. 129; 72 Cal. 404; 69 Cal. 454; 87 Cal. 40; 87 Cal. 576; 89 Cal. 304; 89 Cal. 316; 90 Cal. 610; 93 Cal. 186; 96 Cal. 397.

Bond of contractor: 88 Cal. 568.

Extension of time: 68 Cal. 428; 69 Cal. 454; 79 Cal. 45; 79 Cal. 276; 80 Cal. 1; 81 Cal. 162; 89 Cal. 304; 89 Cal. 316; 90 Cal. 1; 93 Cal. 159; 96 Cal. 404.

Acceptance: 80 Cal. 8.

Lien, duration of: 90 Cal. 1.

Demand: 70 Cal. 534; 78 Cal. 637; 93 Cal. 159.

Assessment, partly void: 76 Cal. 103; 78 Cal. 637; 93 Cal. 159.

Pleading in action on assessment: 68 Cal. 34; 75 Cal. 360; 70 Cal. 534; 66 Cal. 377; 84 Cal. 141; 88 Cal. 568.

Parties: 66 Cal. 113; 67 Cal. 265; 72 Cal. 229; 87 Cal. 11; 90 Cal. 1.

Several right of action: 87 Cal. 214; 68 Cal. 78.

Evidence and burden of proof. 68 Cal. 34; 76 Cal. 149; 70 Cal. 534; 70 Cal. 136; 87 Cal. 11; 89 Cal. 304; 90 Cal. 610; 93 Cal. 159; 93 Cal. 186.

Issue as to dedication — Finding: 84 Cal. 141.

Judgment: 75 Cal. 240; 80 Cal. 1; 84 Cal. 539; 87 Cal. 214; 90 Cal. 610; 94 Cal. 443.

Attorney's fee: 87 Cal. 214.

Conditional liability of city: 80 Cal. 1; 75 Cal. 534; 72 Cal. 154; 72 Cal. 146.

Sidewalks: 65 Cal. 230; 75 Cal. 380; 72 Cal.

An act to amend an act entitled "An act to p upon streets lanes, alleys, courts places and st construction of sewers within municipalities," 18, 1885 by adding thereto an additional part consisting of sections thirty-eight thirty-nine, forty two forty-three and forty-four relative to improvement bonds

[Approved March 17, 1891 Stats 1891, p

SECTION 1 The above entitled act is hereb adding Part IV thereto, consisting of sectio thirty-nine, forty, forty-one, forty-two, forty-th four

PART IV

Section 38 Whenever the city council shall mates of the city engineer, that the cost of any or improvement authorized by this act will b two dollars per front foot along each line of posed to be improved, including the cost of int assessable upon said frontage, it shall have th discretion, to determine that bonds shall be sent the cost of said work or improvement in t form hereinafter provided Said bonds shall be known as serials, and shall extend over a perio ten years, an even annual proportion of the thereof being payable on the first day of Jan after their date, until the whole is paid, and th payable semi annually, on the first days of Jan respectively, of each year, at the rate of not to cent per annum on all sums unpaid, until th principal and interest are paid. Said bonds

intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work in the resolution of award and in all notices of said proceedings required by this act to be either posted or published; and also a notice that a bond will issue to represent each assessment of fifty dollars or more remaining unpaid for thirty days after the date of the warrant or five days after the decision of said council upon an appeal, and describing the bonds shall be included in the warrant provided for in section nine of this act.

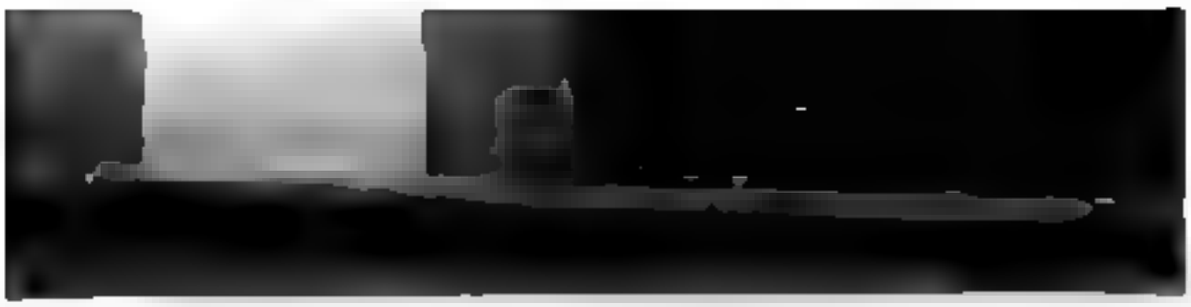
Section 40. After the full expiration of thirty days from the date of the warrant or of an appeal be taken by the city council as provided in section eleven, then five days after the final decision of said council, and after the street superintendent shall have recorded the return as provided in section [illegible] the said street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid which amount to fifty dollars or over upon any assessment and diagram number, and said treasurer shall thereupon make [illegible] and issue to the contractor or his assigns payee of the warrant and assessment a separate bond representing upon each lot or parcel of land upon said list the total amount of the assessments against the same as thereon [illegible]. And if said lot or parcel of land is described upon said assessment and diagram by its number or block or both, and is also designated by its number or block or both upon an official map of said municipality or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

$ — 100 No. —

Under and by virtue of an act of the legislature of the state of California entitled (title of the act), and particularly under the sections therein numbered as consecutively, to , the drive $, out of the fund for the above-designated street improvement bonds, series will pay to or order, the [illegible] ($), with interest at rate of — per cent in per annum, all as is hereinafter specified, and at the office of the treasurer of the of —, state of California. This bond is issued to represent the cost of certain street work upon in the of —, as the same is more fully described in assessment number , issued by the street superintendent of said , after his acceptance of said work, and recorded in his office. *Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein and in the diagram attached thereto, as number —, and which now remains unpaid, but until paid, with accrued*



Obstructing flow of surface water 96 Cal. 1; 98 Cal. 448.

Discontinuance of street 69 Cal. 551.

Assignee of contract—Rights of. 66 Cal. 41; 66 Cal. 388, 89 Cal. 304; 96 Cal. 404.

Mandamus to compel payment of street assessment warrant 76 Cal. 543.

Sidewalks 65 Cal. 209; 75 Cal. 389; 72 Cal. 254.

An act to amend an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities" approved March 18, 1885 by adding thereto an additional part numbered four, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four, relative to a system of street improvement bonds.

[Approved March 17, 1891. Stats. 1891, p. 116.]

SECTION 1. The above entitled act is hereby amended by adding Part IV, thereto, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four.

PART IV.

Section 38. Whenever the city council shall find, upon estimates of the city engineer, that the cost of any proposed work or improvement authorized by this act will be greater than two dollars per front foot along each line of the street proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that bonds shall be issued to represent the cost of said work or improvement in the manner and form hereinafter provided. Said bonds shall be of the nature known as serials, and shall extend over a period not to exceed ten years, an even annual proportion of the principal sum thereof being payable on the first day of January every year after their date, until the whole is paid, and the interest being payable semi-annually, on the first days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid until the whole of said principal and interest are paid. Said bonds and the interest thereon shall be paid at the office of the city treasurer, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid upon the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said bonds and coupons, and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall cancel all interest coupons when he pays them, and shall note across the back of each bond any installment of principal that he shall pay thereon.

Section 39. When said city council shall determine that bonds shall be issued to represent the expenses of any proposed work or improvement, it shall so declare in the resolution of

intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work in the resolution of award and in all notices of said proceedings required by this act to be either posted or published; and also a notice that a bond will issue to represent each assessment of five dollars or more remaining unpaid for thirty days after the date of the warrant or five days after the decision of said council upon an appeal, and describing the bonds shall be included in the warrant provided for in section nine of this act.

Section 8. After the full expiration of thirty days from the date of the warrant or if an appeal be taken to the city council as provided in section eleven then five days after the final decision of said council and after the street superintendent shall have received the return as provided in section ten the said street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid which amount to fifty dollars or over upon any assessment and diagram number and said treasurer shall thereupon make out sign and issue to the contractor or his assigns parcel of the warrant and assessment, a separate bond representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block or both, and is also designated by its number or block or both upon an official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated then it shall be in said bond sufficient description of said lot or parcel of land to designate it by said number or block or both as it appears on said official or recorded map. Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

$ —— — ——. No. ——

Under and by virtue of an act of the legislature of the state of California entitled (title of the act), and particularly under the sections therein numbered as —, comprising sixty, to ——, inclusive, I, out of the fund for the above-designated street improvement bonds, series — will pay to —— or order the sum of —— —— ($ ——), with interest at rate of — per centum per annum, all as is hereinafter specified, and at the office of the —— treasurer of the — of —— — —, state of California. This bond is issued to represent the cost of certain street work upon —— ——, in the —— of — —, as the same is more fully described in assessment number ——, issued by the street superintendent of said —— —— after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number ——, and which now remains unpaid, but until paid, with accrued

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after the coupons are for semi-annual interest,
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Should default be made in the annual payment
cipal or in any payment of interest, the holder
entitled to declare the whole unpaid amount
payable, and to have said lot or parcel of land
sold forthwith, in the manner provided by law
assessed for state and county taxes delinquent
thereof.

At said --- of ——, this —— day of ——, in the
sand —— hundred and ——.

City treasurer of th

Provided, that in case the amount of unpa
upon any parcel of land shall be less than fif
the same shall be collected as hereinbefore pr
one of this act; *provided, also*, that if any person
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present to said city treasurer his affidavit, mad
petent officer, that he is the owner of a lot or pa
said list, accompanied by the certificate of a searc
that he is such owner of record, and with such
person notifies said treasurer, in writing, that
bond to be issued for the assessments upon sai
of land, then no such bond shall be issued the
payee of the warrant, or his assigns, shall retai
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issued by said treasurer shall be payable to the
they issue, or order, and shall be of the nature
described, and shall bear interest at the rate, a

bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all payments of principal upon said bonds to the street superintendent who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof and the accrued interest thereon shall be fully paid. The issuance of said bonds shall be conclusive evidence of the regularity of all previous proceedings and the validity of said lien.

Section 11. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been issued, any payment either upon the principal or of the interest, shall not be made when the same is due, and the holder of the bond therefor demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond, or its unpaid remainder with its accrued interest, shall become due and payable immediately and on the day following shall become delinquent and the city treasurer shall act thereafter with all the powers and duties of the tax collector in the collection of unpaid state and county taxes, and shall forthwith proceed to advertise and sell said lot or parcel of land by proceedings in all respects the same as provided by law for the collection of delinquent state and county taxes. All such provisions and proceedings, after taxes have become delinquent including the certificate of sale, the right of redemption, and the deed with the presumptive evidence thereof, are hereby made applicable to this act.

Section 12. The term "city treasurer," as used in this act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

Section 13. Whenever any railroad track or tracks of any description exist upon any street or streets on which the city council has ordered work to be done or improvements made, excepting therefrom such portions as may be required by law to be kept in order or repair by any person or company having railroad tracks thereon, the said council may at any time thereafter, order such person or company to perform upon said excepted portion the work or improvement similar in all respects to that already ordered to be performed under the same specifications and superintendence with the same materials within the same time and to the like satisfaction, and upon the passage thereof it shall be the duty of the clerk of said council to deliver immediately a copy of such order certified by him, to such person or company and to make and preserve in his office a certificate of such delivery, to whom and when made. Should such person or company not perform such work within such extension of time as the city council may grant, the railroad refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the city council to have such excepted work or improvement per-

formed and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order such person or company may file with the clerk of said court a written acceptance of the performance of said work or improvement according to the order of the request to have such work or improvement performed by and at the expense of such person or company in the manner herein provided. The failure to file such acceptance within said time shall be taken and deemed to be a refusal to comply with the order. Upon every hearing of said question of the due performance of said work or improvement the city engineer shall take no further proceeding in the matter unless such person or company neglects or fails for thirty days or such further time as the court may grant to comply with the provisions of the order. But if such person or company files the said request that the said work or improvement be performed, or fails to perform said work within said thirty days or within such further time as the court may grant, then said city engineer shall proceed in such manner as he may deem best to perform said work or improvement, and shall report to the court from time to time the progress of the work. Within thirty days after the completion of the work or improvement or within five days after the filing of the report of the engineer showing the completion of the work or improvement, the said person or company shall pay the cost of said work or file with the street superintendent of said city a notice that he or it does not desire to pay for the cost of said work by assessment, and that the street superintendent of said city shall issue bonds to represent the cost of said work, stating plainly that the cost of said work shall be paid by an assessment, and also the rate of interest which said bonds are to bear. A failure to file such notice shall be deemed a waiver of the right to have bonds issued to represent the cost of said work, and the street superintendent shall proceed to make the assessment and collect the same in the manner provided by law for the making of assessments and collection of assessments for the cost of work done by the contractor. Whenever the person or company has not such right to have bonds issued, the street superintendent, immediately after the completion of the work or improvement, shall make and file with the clerk of said court a report showing the whole cost of said work or improvement, the amount assessed upon each piece of property assessed, the name of the owner of each piece of property assessed, if known, and if unknown, a description sufficient for identification, and the amount assessed upon each piece of property. Upon the hearing of said report the court shall hear any objections that may be made by any person interested, and may correct, modify or confirm the report. Thereupon the court shall order the amount assessed upon each piece of property to be paid to the superintendent of streets, and shall direct the issuance of bonds for the amount of such cost, which shall draw the legal rate of interest, and shall be payable in not more than ten annual installments, as the court may direct, the first of which shall be payable not more than one year after the date of the bonds, and the last of which shall be payable not more than ten years after the date of the bonds. Said bonds shall be issued in sums not less than one hundred dollars nor more than one thousand dollars each, and shall recite that the total amount of the cost of said work, together with the interest thereon, as apportioned to said bond, is a charge upon, county and municipal taxes, a first lien upon

that portion of the tracks, road-bed, and cattlestops of said railroad along or between which work has been performed, and also upon the franchise of said railroad along that portion of the streets, alleys, or places upon which such work has been performed. Said street superintendent shall also keep a record of such bond as required by section eighteen of the act of which this is amendatory. Whenever bonds have been issued, as herein provided the same together with the cost of such work, together with interest thereon, shall be a state, county, and municipal taxes a first lien upon that portion of the tracks, road bed, and cattlestops of said railroad along or between which said work has been performed and also upon the franchise of said company along that portion of the streets, alleys, or places upon which said work has been performed. All provisions of section three hereof in regard to the borrowing of the same, shall apply hereto. All provisions of section four hereof shall also apply to the bonds contemplated by this section. None of the provisions of this act or of the act to which it is amendatory in regard to a protest against the work shall apply to any work contemplated by this section. In case the person or company owning such railroad shall elect to do the work and shall enter into a contract with the street superintendent or in case the owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done elect to take the contract and enter into the same with the street superintendent as provided in section five of the act of which this is amendatory, then all provisions here in regard to payment by installments and issuing of bonds shall not apply. In case the person or company owning any railroad tracks or tracks to be assessed, as contemplated in section one hereof, shall file with the street superintendent, within the time therein specified, a notice that he or it does not desire to pay for said work by installments, then the same proceedings in regard to the collection of the cost of said work shall be had as is provided in the act to which this is amendatory. All of the provisions in said act not inconsistent with the provisions of this amendment shall apply hereto.

Section 4. This act shall take effect and be in force from and after its passage.

An act to amend sections two, three, four, five, seven, nine, twenty-four, twenty-six, thirty-four, thirty-five, and thirty-seven of an act entitled "An act to provide for work upon streets, lanes, courts, places, and crossings, and the construction of sewers within municipalities," approved March 11, 1903, and an act amendatory thereof, approved March 14, 1905, relative to the mode of assessing and otherwise providing for said work.

[Approved March 21, 1907. Stats. 1907, p. 108.]

Section 1. Section two of said act is hereby amended to read as follows:

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any

order any of the said work to be improved.

SEC. 2. Section three of said act is hereby as follows: —

Section 3. Before ordering any work don made, which is authorized by section two o council shall pass a resolution of intention scribing the work, which shall be posted con days on or near the chamber door of said coun by two insertions in one or more daily, semi- newspapers published and circulated in sai nated by said council for that purpose. Th tendent shall thereupon cause to be cons along the line of said contemplated work or not more than one hundred feet in distance a than three in all, or when the work to be don entire crossing or any part thereof, in front block and irregular block liable to be assess passage of said resolution. Said notice shal tice of street work," in letters of not less t length, and shall, in legible characters, stat passage of the resolution, its date, and briefly provement proposed, and refer to the resolu particulars. He shall also cause a notice, simi to be published for six days, in one or more c published and circulated in said city, and de city council, or in cities where there is no dail one insertion in a semi-weekly or weekly ne lished, circulated, and designated. In case t paper published in said city, said notice shall days on or near the chamber door of said cou other conspicuous places in said city, as herei The owners of a majority of the frontage of the ing on said proposed work or improvement, w for one block or more, may make a written same within ten days after the expiration of publication and posting of said notice, whicl be delivered to the clerk of the city council, w thereon the date of its reception by him, and so delivered and indorsed shall be a bar for si further proceedings

to any of the subsequent proceedings of said council in relation to the performance of the work mentioned in said notice of intention, shall file with the clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said city council, and its decision thereon shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, pipe lines, culverts or [illegible] drains or sidewalks, and curbs, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work as aforesaid, the said city council shall at its next meeting fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to each objector or his agent when he appears for such objector. At the time specified said city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and the said bar for six months to any further proceedings shall not be applicable thereto. And when not more than two blocks, including street crossings, remain ungraded to the official grade, or otherwise unimproved in whole or in part, and a block or more on each side upon said street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise so unimproved, said city council may order any of the work mentioned in this act to be done upon said intervening ungraded or unimproved part of said street, or at the end of a street, and said work upon said intervening part or at the end of a street shall not be stayed or prevented by any written or other objection, unless such council shall deem proper. And if one block or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two main street crossings, or if a crossing has been already partially graded or improved as aforesaid, said council may order the same to be improved, graded or otherwise, notwithstanding such objections of property owners. At the expiration of twenty days after the expiration of the time of said publication by said street superintendent, and at the expiration of twenty-five days after the advertising and posting as aforesaid of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, signed by the owners of a major frontage of the property fronting on said proposed work or improvement, or if any written objection purporting to be signed by the owners of a major frontage is disallowed by said council, as not being signed [illegible] said work for six months because of its [illegible] has not been legally signed by the owners of a major [illegible] frontage, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this act, which order, when made, shall be published for two days, the same as

provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll, whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district which the said city council shall in its resolution of intention declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The city clerk shall lay said objections before the city council, which shall at its next meeting fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the post-office of said city, postage prepaid, addressed to each objector. At the time specified, the city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped, but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the city council, the proceedings shall continue the same as if such objections had not been made.

SEC. 3. Section four of said act is hereby amended to read as follows:—

Section 4. The owners of a majority in frontage of lots and lands fronting on any street, avenue, lane, alley, place or court, or of lots or lands liable to be assessed for the expense of the work petitioned to be done, or their duly authorized agents, may petition the city council in order any of the work mentioned in this act to be done, and the city council may order the work mentioned in said petition to be done after notice of its intention so to do has been posted and published as provided in section three of this act.

SEC. 4. Section five of said act is hereby amended to read as follows:—

Section 6. Before the awarding of any contract by the city council for doing any work authorized by this act the city council shall cause notice, with specifications to be posted conspicuously for five days on or near the council chamber door of said council, inviting sealed proposals or bids for doing the work ordered and the time and place of meeting of said council for opening said proposals and referring to the specifications posted at said place to be published for five days in a daily newspaper or for one week in a newspaper published and circulated in said city designated by the council for that purpose and to name the daily newspaper published in said city in which notice shall be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the city, certified by a responsible bank in an amount which shall not be less than ten per cent of the aggregate amount of the proposal, or by a bond for the said amount and with sureties to be approved by the mayor, who shall forfeit to the city all rights and claims in the said amount and over and above the said amount to which the said proposals or bids shall be the lowest to the city of the said city council, and said amounts shall in open session examine and publicly declare the amount proposed for in each proposal or bid shall be considered unless accompanied by said check or bond as hereinbefore required. The city council may reject any and all proposals or bids offered if deemed by it for the public good and may let the bid to other than the lowest bidder. Immediately upon the letting of any work to the lowest responsible bidder, and may award the contract for said work to the next lowest to the lowest responsible bidder at the price named in his bid, which award shall be approved by the mayor. If the bidder to whom the award is made fails to enter into the contract and furnish the bond within five days after the notice of the award, the council may reject his bid and award the contract to the next lowest responsible bidder, or may readvertise for proposals as in the first instance. Upon the letting of the contract to the lowest responsible bidder as aforesaid, the city council shall require the bidder to enter into a contract in writing with sufficient sureties to be approved by the mayor, conditioned upon the faithful performance of the contract according to the plans and specifications therefor, and the bonds corresponding to the bid as aforesaid. But there may be accompanying such accepted proposal or bid a bond by the city clerk of said city, and the contract for doing said work as hereinafter provided has been entered into with the said lowest bidder or his sureties, it may be paid to the contractor, whereupon said check shall be returned to said bidder. But if said bidder fails to enter into the contract as aforesaid and a subsequent contract is let as hereinafter provided, then the certified check accompanying his bid and the amount thereof mentioned shall be declared to be forfeited to said city and shall be collected and paid into the fund for regular street work and may be prosecuted, and the amount thereof recovered and paid into said fund. Notice of such award and contract shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall

be published for two days in a daily newspaper published and circulated in said city, and designated by said city council, or, in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated, and designated; provided, however, that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided. The owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the first posting and publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails, or refuses, for fifteen days after the first posting and publication of the notice of award, to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids as in the first instance, and award the contract for said work to the then lowest regular bidder. The bids of all persons and the sureties of all persons, so situated, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or awarding subsequent to the first for the same work. If the owner or contractor who may have taken any contract do not complete the same within the time limited in the contract, or within such further time as the city council may give them, the superintendent of streets shall report such delinquency to the city council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties, and payable to said city in such sums as the council shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, or the owner or owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this act and such other notices as may be deemed requisite by the city council. And

in case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

Sec. 5. Section seven of said act is hereby amended to read as follows:—

Section 7. *Assessments, etc.* The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided, each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Subdivision two. The expense of all improvements, except such as are done by contractors under the provisions of section thirteen of this act, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted as provided in section twenty of this act, shall be assessed upon the lots and lands, as provided in this act, then according to the nature and character of the work, and after such acceptance the expense of all the work thereafter done thereon shall be paid by said city out of the street department fund.

Subdivision three. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and fronting upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision four. Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the terminating street shall be assessed upon the lots in each of the quarter blocks adjoining and fronting on the same according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the other half of the street at such term inating.

Subdivision five. Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way to said alley or subdivision street to the next crossing of intersection, or to the end of such alley or subdivision street if it does not meet another.

Subdivision six. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half-way to the next street, place, or court, on

alley, place, or court so terminating, according to its
thereon, half-way on each side, respectively, to the ne
avenue, lane, alley, court, or place, or to the end of suc
avenue, lane, alley, place, or court, if it does not meet
and the other one half of the width upon the lots front
termination.

Subdivision eight. Where any work mentioned in
(man-holes, cesspools, culverts, cross-walks, piling, and
excepted) is done on either or both sides of the cente
any street for one block or less, and further work op
the work of the same class already done is ordered to
to complete the unimproved portion of said street, th
ment to cover the total expenses of said work so orde
be made upon the lots or portions of the lots only fror
portions of the work so ordered; and when sewerin
sewering is ordered to be done under the sidewalk
one side of a street for any length thereof, the assessi
its expenses shall be made only upon the lots and lan
ing nearest upon that side, and for intervening inte
only upon the two quarter-blocks adjoining and c
upon that side.

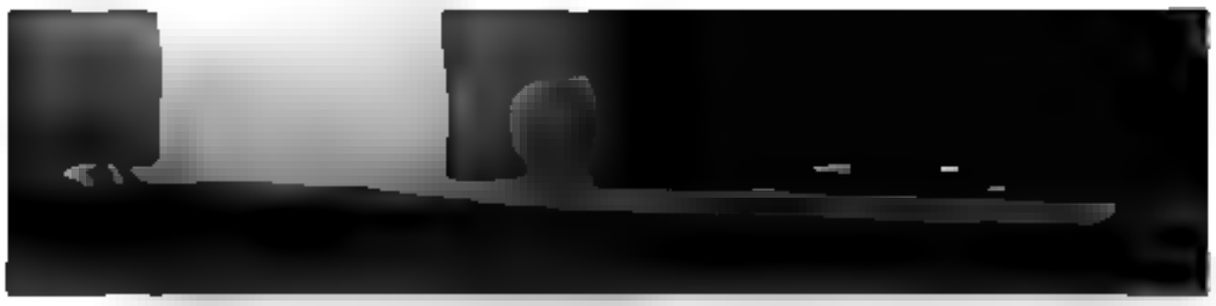
Subdivision nine. Section one of chapter three hund
twenty-five of the laws of this state, entitled "An act
tory of and supplementary to 'An act to provide rev
the support of the government of this state,' approv
twenty-ninth, eighteen hundred and fifty-seven," a
April nineteenth, eighteen hundred and fifty-nine, s
be applicable to the provisions of this section; but t
erty herein mentioned shall be subject to the provi
this act and be assessed for work done under the pr
of this section.

Subdivision ten. It shall be lawful for the owner o
of lots or lands fronting upon any street, the width ar
of which have been established by the city council, to
at his or their own expense (after obtaining permissi
the council so to do, but before said council has pa
resolution of intention to order grading inclusive of t
grading upon said street to its full width, or to the cer
thereof and to its grade as then established, and there
procure, at his or their own expense, a certificate f

tendent shall record in a book kept for that purpose in his office properly indexed. Whenever thereafter the city council orders the grading of said street or any portion thereof on which any grading certified as aforesaid has been done, the bids and the contract must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said street for the grading thereof, for the amount of the cubic yards of cutting and filling set forth in [illegible] certificate, at the prices named in the contract for said cutting and filling, or if the grade [illegible] to have been duly altered, only for so much of said certified work as would be required for grading to the altered grade; provided, however, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them and [illegible] assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in said certificate recorded in his office, or for the whole of said grading to the altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest; provided, however, that he shall not so include any grading [illegible] in excess of the proportionate assessments for the whole of the grading which are made upon the lots and lands fronting upon said street and belonging to such certified owners and their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done or shall hereafter do any work (except grading) on such street, in front of any block, at their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision eleven of this section of this act; provided, that the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Subdivision eleven. The city council may include in one resolution of intention and order any of the different kinds of work mentioned in this act, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; provided, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision ten of this section.

Subdivision twelve. Whenever the resolution of intention



declares that the costs and expenses of the work and improvement are to be assessed upon a district, the city council shall direct the city engineer to make a diagram of the property affected or benefited by the proposed work or improvement as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece, or parcel of land, the area in square feet of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets, or city council on appeal, proceed to estimate upon the lands, lots, or portions of lots within said assessment district as shown by said diagram, the benefits arising from such work and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said districts benefited thereby, to wit, upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions three, four, five, six, seven, and eight of this section shall not be applicable to the work or improvement provided for in this subdivision.

Sec. 6. Section nine of said act is hereby amended to read as follows:—

Section 9. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

FORM OF THE WARRANT.

By virtue hereof, I (name of the superintendent of streets), of the city of ____, county of ____ (or city and county of ____), and state of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date) ____ (name of superintendent of streets).

Countersigned by (name of mayor).

Said warrant, assessment and diagram, together with the certificate of the city engineer, shall be recorded in the office of said superintendent of streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or por-

ions of lots assessed respectively for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram, and certificate, all persons mentioned in section eleven of this act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor or his agent or assigns on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant said contractor or his agent or assigns shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Whenever it shall appear by any final judgment of any court of this state that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this act has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or in the return thereof made to or recorded by said superintendent of streets, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said superintendent of streets who issued the same, or to any superintendent of streets in office at the time of said application, for another assessment to be issued in conformity to law; and said superintendent shall, within fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the date of said assessment, and be enforced as provided in section seven of this act.

SEC. 7. Section twenty-four of said act is hereby amended to read as follows: —

Section 24. The city council of such city shall have full power and authority to construct sewers, gutters, and manholes, and provide for the cleaning of the same, and culverts, with cross-walks, or culverts, or cesspools, or cross-walks, or sidewalks, or any portion of any sidewalk upon or in any street, avenue, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvements described in this section shall be staid or prevented by any written or any other remonstrance or objection, unless such council deems proper.

SEC. 8. Section twenty-six of said act is hereby amended to read as follows: —

Section 26. The city council may, in its discretion, order, by resolution, that the whole or any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality from such fund as the council may designate. Whenever a part of such cost and expenses is

so ordered to be paid, the superintendent of streets, in making up the assessment hereinbefore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been ordered to be paid out of the municipal treasury and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots and lands fronting on the streets where said work was done or liable to be assessed for such work, and in the manner hereinbefore provided.

SEC. 3. Section thirty-four of said act is amended to read as follows:—

Section 34. *First.* The city engineer, or where there is no city engineer, the county or city and county surveyor shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In all those cities where there is no city engineer the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

Second. The words "work," "improve," "improved," and "improvement," as used in this act, shall include all work mentioned in this act and also the reconstruction, reconstruction, and repairs of all or any portion of said work.

Third. The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him, also the cost of printing and advertising as provided in this act, and not otherwise; also the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in section thirty-five of this act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Fourth. The notices, resolutions, orders, or other matter required to be published by the provisions of this act, and of the act of which this is amendatory, shall be published in a daily newspaper in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper to be designated by the council of such city, as often as the same is issued; and in those cities which do not or shall not be applicable to the public offices herein provided for, proof of posting that only in case there is no daily, semi-weekly, or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders, or other matters as are herein required to be published in a newspaper shall be posted and kept posted for

the same length of time as required herein for the publication of the same in a daily, semi-weekly, or weekly newspaper in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher or clerk of the newspaper, or of the poster of the notice. No publication or notice other than that provided for in this act shall be necessary to give validity to any of the proceedings provided for therein.

Fifth. The word "municipality" and the word "city," as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized for municipal purposes.

Sixth. The words "paved" or "repaved" as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood, or other material, whether patented or not, which the city council shall by ordinance adopt.

Seventh. The word "street," as used in this act, shall be deemed to, and is hereby declared to include avenues, highways, lanes, alleys, crossings, or intersections, courts and places; and the term "main street" means such actually opened street or streets as bound a block; the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

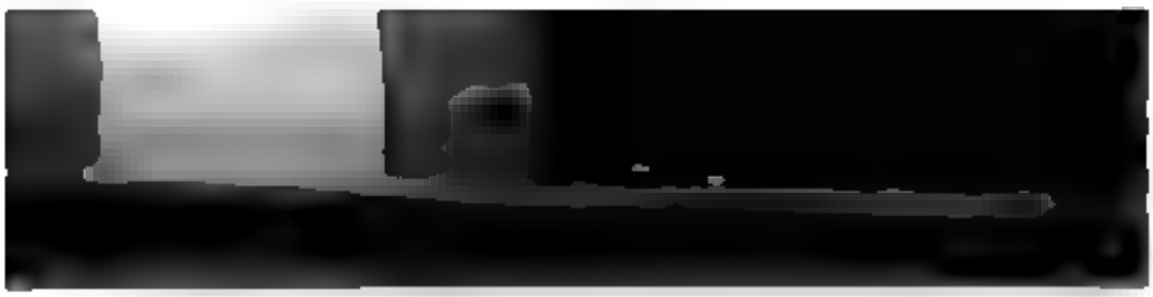
Eighth. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is under the law to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets, and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Ninth. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Tenth. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Eleventh. The term "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of the said city council.

Twelfth. The term "quarter block," as used in this act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street halfway from such intersection to the next main street, or, when



no main street intervenes, all the way to a boundary line of the city.

Thirteenth. The term "one year," as used in this act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

Fourteenth. References in certain sections, by number, to certain other sections of "this act" refer to the numbers of the sections of the original act as heretofore amended, unless it appears from the context that the reference is to the section of this amendatory act, when it shall be construed according to the context.

SEC. 10. Section thirty-five of said act is hereby amended to read as follows:—

Section 35. The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this act, and of piling and capping, sidewalking, or of the paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this act.

SEC. 11. Section thirty-seven of said act is hereby amended to read as follows:—

Section 37. This act shall take effect and be in force from and after its passage, and all acts and parts of acts in conflict with this act are hereby repealed, and *provided however* that any work or proceedings of the city council commenced under the act of which this is amendatory shall in no wise be affected thereby, but shall in all respects be finished and completed thereunder, and this act shall in no wise affect said work or proceedings.

An act to amend an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities" approved March 18, 1885, by adding thereto certain new and additional sections, to provide the mode of carrying into effect certain provisions of said act relative to changing grades.

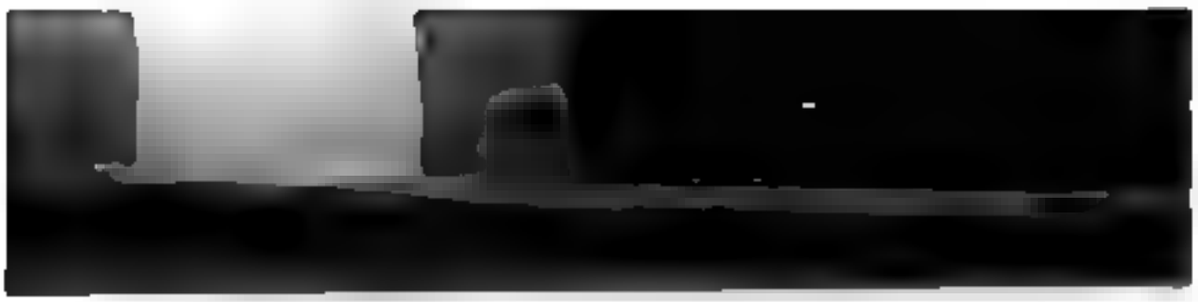
[Approved March 31, 1891. Stats. 1891, p. 461.]

SECTION 1. The act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, is hereby amended by adding thereto sections, as follows:—

Section 38. The city council are hereby empowered to change or modify the grade of any public street, lane, alley, place or court in the manner and as hereinafter provided. Before any change of grade is ordered, the city council shall pass a resolution of intention to make such change or changes of grade, and shall publish a copy of said resolution in a newspaper in which the official notices of the city council are usually published, such newspaper to be designated in the resolution of intention. Said resolution shall be published in every regular issue of such newspaper for not less than ten days, and shall describe the proposed change of grade, and the district and establish the street to be affected thereby, and within the limits of said district the lots of land to be benefited by such change of grade shall be assessed to pay any damages that may be awarded by reason of the change. One or more streets or blocks of any street or streets may be embraced in the same proceedings. Within five days after the first publication of the resolution of intention, the superintendent of streets shall cause to be conspicuously posted, within the district designated in the resolution, notices of the passage of said resolution. Said notices shall be the same in all respects in form of contents and posting as the "notices of street work" provided for in section three of the act hereby amended. If no objections to said proposed change or changes of grade shall be filed with the clerk of the city council within thirty days from the first publication of the resolution of intention hereinbefore mentioned, the city council shall thereafter declare such grades to be changed and established in conformity to said resolution of intention.

Section 39. Within thirty days after the first publication of said notice any person owning land in the district designated, and claiming damage by reason of such change of grade, shall file a petition with the city council or the clerk thereof, setting forth in such petition a copy of the notice, the fact of the petitioner's ownership of his post-office address, the description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property will sustain by the proposed change if completed, and asking the appointment of commissioners to assess and report to the city council the amount of damages and benefits that will be sustained by the property by reason of such change. The owners of two or more lots of land affected by such change may unite in the same petition, and where more than one petition is filed, the city council may act jointly upon the petitions jointly. Each petition shall be verified by the oath of the petitioners therein named, or by the agent of such petitioners.

Section 40. If the petition mentioned in the preceding section is sufficient, it must be filed as thereon provided. The city council shall fix a time and place for the hearing of the same, and shall give notice thereof to said petitioner. A notice shall be deposited in the *post office, at the place of hearing, at least five days before the time of hearing, and not less than thirty days after the first publication of the resolution of intention*, post-



age prepaid thereon, and addressed to each of said petitioners at his post-office address as contained in said petition. Said notice shall designate the time and place of hearing of the petition, and shall notify the petitioner that the city council will, at such hearing, take such evidence and hear such witnesses as he may produce in support of his petition. The city council, or its committee, may hear such witnesses, under oath, as may be deemed necessary at the hearing, which oath may be administered by any member of the council, and shall thereupon proceed to act upon the petition; provided, that no action shall be taken upon said petition until proof, by affidavit, shall have been made of the mailing of the notice as provided herein.

Section 41. If the city council shall find that the petition does not present a proper case for the payment of damage, it shall notify the petitioner, by a written notice, duly mailed to him at the post-office address designated in his petition, that such petition is denied; and ten days after mailing such notice the city council may proceed to change the grade the same as if no such petition were filed. If, after the hearing of the petition, the city council shall, by its judgment thereon, decide that the petition presents a proper case for the payment of damages, it shall appoint three citizens, who are freeholders within the city or city and county, and who are not interested in the lands to be assessed, to assess the benefits and damages to each separate lot of land as the same appears of record on the last assessment roll, within the limits designated in the resolution of intention.

Section 42. The commissioners, when appointed, shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor, and that they have no interest in the controversy, nor in any of the land within the limits designated. Upon subscribing to the oath and filing the same, and a bond, to be approved by the city council, in the penal sum of five thousand dollars, conditioned for the faithful discharge of their duties, with the city council, the said commissioners shall be qualified to discharge their duties in the premises.

Section 43. The commissioners, in company with a committee from the city council appointed for that purpose, shall visit and inspect all the lots of land and improvements appurtenant thereto within the district affected by the change of grade. The commissioners shall have power to subpoena witnesses to appear before them, and examine, under oath, which any one of them is authorized to administer, any witnesses produced before them by any party touching the matter to be investigated, and such other witnesses as they may deem necessary to fully acquaint themselves with the actual amount of benefit and damages which will result to the respective parties interested in the proposed change.

Section 44. The commissioners, having determined the damage which will be sustained by each petitioner in excess of all benefits, shall proceed to assess the whole amount thereof, together with the costs, charges, and expenses of the proceedings,

compensation of the commissioners for their compensation and expenses to be fixed by the ntably upon the several lots of land benefited its of the district, so that the same shall be dis- ling to the benefits produced by such change as ble. The commissioners shall receive for their ore than one hundred dollars per month, for a eeding six months, unless such time be further e city council, and during the progress of their be such report to the council as the city council

The commissioners shall make their report in hall subscribe the same and file it with the city heir said report they shall describe separately property which will sustain damage, stating the mages which it will sustain over and above all shall also give a brief description of each lot in the designated limits, the name of the owner, the amount of benefit in excess of damage as- the same. When the amount of benefit and ed to a lot is equal, such fact shall be stated in case the three commissioners do not agree, the pon by any two of them shall be sufficient. In e lots to be assessed, reference may be had to a property in the district affected, such diagram to and form a part of the repor. of the commis-

If in any case the commissioners find that con- of title exist, or shall be in ignorance or doubt rship of any lot or land, or of any improvements any interest therein, it shall be set down as be- nown owners. Error in the designation of the re of any land or improvements, or of the parti- interest, shall not affect the validity of the as- the filing of said report, the clerk of said city ive notice of such filing, by the publication for ys, in one or more daily newspapers published in said city, or, if there be no daily newspaper, ove insertions in a weekly or semi-weekly news- shed and circulated. Said notice shall also re- ons interested to show cause, if any, why such not be confirmed, before the city council, on or xed by the city council and stated in said no- y shall not be less than twenty days from the n thereof.

All objections shall be in writing, and filed with e city council, who shall, at the next meeting fixed in the notice to show cause, lay the said any, before the city council, which shall fix the ng the same, of which the clerk shall notify the e same manner as objectors to the original reso- tion. At the time set, or at such other time as ay be adjourned to, the city council shall hear e and pass upon the same; and at such time, or

such other time as may be fixed, shall proceed to pass
such report, and may confirm, correct, or modify the sa
may order the commissioners to make a new assessme
port, and plat, which shall be filed, notice given, and h
had, as in the case of an original report.

Section 48. The clerk of said city council shall forw
the street superintendent of the city a certified copy of
port, assessment, and plat as finally confirmed and ac
by the city council. Such certified copy shall thereup
the assessment roll, the cost of which shall be provided
the commissioners as a portion of the cost of the proce
herein. Immediately upon receipt thereof by the street
intendent, the assessment therein contained shall becom
and payable, and shall be a lien upon all the propert
tained or described therein.

Section 49. The superintendent of streets shall ther
give notice, by publication for ten days in one or more
newspapers published and circulated in said city or co
county, or by two successive insertions in a weekly or
weekly newspaper so published and circulated, that h
received said assessment roll, and that all sums levie
assessed in said assessment roll are due and payable im
ately, and that the payment of said sums is to be made
within thirty days from the date of the first publication
notice. Said notice shall also contain a statement that
sessments not paid before the expiration of said thirt
will be declared to be delinquent, and that thereafter th
of five per cent upon the amount of each delinquent
ment, together with the cost of advertising each delin
assessment, will be added thereto. When payment o
assessment is made to said superintendent of streets, he
write the word "paid" and the date of payment opposi
respective assessment so paid, and the names of persons
for whom said assessment is paid, and shall give a receipt
for. On the expiration of said thirty days, all assessment
unpaid shall be and become delinquent, and said super
dent of streets shall certify such fact at the foot of said
ment roll, and shall add five per cent to the amount of
assessment so delinquent. The said superintendent of s
shall, within five days from the date of such delinquency
ceed to advertise and collect the various sums delinquen
the whole thereof, including the cost of advertising, whic
shall not exceed the sum of fifty cents for each lot, pa
parcel of land separately assessed, by the sale of the as
property in the same manner as is or may be provided fo
collection of state and county taxes, and after the d
said delinquency, and before the time of such sale herei
vided for, no assessment shall be received unless at the
time the five per cent added thereto as aforesaid, together
the costs of advertising then already incurred, shall be
therewith. Said list of delinquent assessments, with a n
of the time and place of sale of the property affected the
shall be published daily for five days in one or more
newspapers published and circulated in such city, or

including the compensation of the commissioners for their services (such compensation and expenses to be fixed by the city council), ratably upon the several lots of land benefited within the limits of the district, so that the same shall be distributed according to the benefits produced by such change as near as possible. The commissioners shall receive for their services not more than one hundred dollars per month, for a period not exceeding six months, unless such time be further extended by the city council, and during the progress of their work shall make such report to the council as the city council may require.

Section 45. The commissioners shall make their report in writing, and shall subscribe the same and file it with the city council. In their said report they shall describe separately each parcel of property which will sustain damage, stating the amount of damages which it will sustain over and above all benefits. They shall also give a brief description of each lot benefited within the designated limits, the name of the owner, if known, and the amount of benefit in excess of damage assessed against the same. When the amount of benefit and damage assessed to a lot is equal, such fact shall be stated in the report. In case the three commissioners do not agree, the award agreed upon by any two of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district affected, such diagram to be attached to and form a part of the report of the commissioners.

Section 46. If in any case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot or land, or of any improvements thereon or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or of the parties or nature of their interest, shall not affect the validity of the assessment. On the filing of said report, the clerk of said city council shall give notice of such filing, by the publication for at least ten days, in one or more daily newspapers published and circulated in said city, or, if there be no daily newspaper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the city council, on or before a day fixed by the city council and stated in said notice, which day shall not be less than twenty days from the first publication thereof.

Section 47. All objections shall be in writing and filed with the clerk of the city council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the city council, which shall fix the time for hearing the same, of which the clerk shall notify the objectors in the same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the city council shall hear such objections and pass upon the same, and at such time, or

and remains in the fund to pay all warrants of the first class before paying any of the second.

Section 52. Upon payment to the city treasurer of the amount of the assessment sufficient to pay for the damage to land and improvements, and after the notice required by section fifty of this act has been given, the city council shall declare the grade to be changed in accordance with the resolution of intention, and said change of grade shall thereupon be established.

Section 53. The provisions of this act shall be liberally construed to promote the objects thereof. This act shall take effect and be in force from and after its passage.

An act to amend sections thirty-eight to fifty-three, inclusive, of an act approved March 21, 1881, adding those sections to "An act to provide for work upon streets, alleys, lanes, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1889.

[Approved March 9, 1893. Stats. 1893, p. [illegible].]

Section 1. That section thirty-eight of the above-entitled act is hereby amended so as to read as follows:

Section 38. The city council is hereby empowered to change or modify the grade of any public street, lane, alley, place, or court, and to regrade or repave the same, so as to conform to such modified grade, in the manner as hereinafter provided. Before any change of grade is ordered, the city council shall pass an ordinance or resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same ordinance or resolution to provide for the actual cost of performing the work of regrading, repaving, sewering, sidewalking, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewered, sidewalked, or curbed; and that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same ordinance or resolution. Such ordinance or resolution shall be published in the newspaper in which the official notices of the city council are usually printed and published, and such newspaper is to be designated in such ordinance or resolution. Such publication shall be made in every regular issue of such paper for not less than ten days, and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. Within five days after the first publication of the ordinance or resolution of intention, the superintendent of streets shall cause to be conspicuously posted, within the district designated in the ordinance or resolution, notice of the passage of said resolution. Said notices shall be the same in all requirements of contents and posting as the "notices of street work" provided for in section three of the original act to which this is amendatory. If no objection to said proposed change or changes or modifications of grade shall be filed with the

clerk of the council within thirty days from the first publication of the ordinance or resolution of intention hereinabove mentioned, the city council shall have power to declare such grades to be changed and established in conformity to said ordinance or resolution passed, that no change of an established grade shall be ordered except on petition of the owners of a majority of the property affected by the proposed change of grade

SEC. 2. That section thirty nine of the above-entitled act is hereby amended so as to read as follows:

Section 39. Within thirty days after the first publication of said notice, any person owning property fronting upon said portions of the street or streets where such change of grade is made may file a petition with the clerk of the city council, showing the fact of such ownership, the description and boundaries of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change, if completed. Such petition shall be verified by the oath of the petitioners, or their agents.

SEC. 3. That section forty of the above-entitled act is hereby amended so as to read as follows:

Section 40. Whenever such petition or petitions have been filed, the mayor, surveyor and superintendent of streets of the city or city and county, acting as a board of commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district as said lot appears of record upon the last city or city and county assessment roll.

SEC. 4. That section forty-one of the above-entitled act is hereby amended so as to read as follows:

Section 41. The commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor.

SEC. 5. That section forty two of the above-entitled act is hereby amended so as to read as follows:

Section 42. The commissioners shall have power to subpoena witnesses to appear before them to be examined under oath, which any one of said commissioners is authorized to administer.

SEC. 6. That section forty three of the above-entitled act is hereby amended so as to read as follows:

Section 43. The commissioners having determined the damage which would be sustained by each petitioner in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work of improvement, and during the progress of their work shall make a report to such city council as often as it may be required.

SEC. 7. That section forty-four of the above-entitled act is hereby amended so as to read as follows:

Section 44. The commissioners shall make their report in

assessed against the same. In case the three commissioners not agree, the award agreed upon by any two of them s sufficient. In designating the lots to be assessed, ref may be had to a diagram of the property in the district af such diagram to be attached to and made a part of the of the commissioners.

SEC 8 That section forty-five of the above-entitled hereby amended so as to read as follows: —

Section 45. If in any case the commissioners find th flicting claims of title exist, or shall be in ignorance or d the ownership of any lot or land, or any improvement th or any interest therein, it shall be set down as belong unknown owners. Error in the designation of the ow owners of any land or improvements, or particulars o interest, shall not affect the validity of the assessment. filing of said report, the clerk of said city council sha notice of such filing by the publication of at least ten d one or more daily newspapers published and circulated city; or if there be no daily newspaper, by three succ issues in a weekly or semi-weekly newspaper so publishe circulated; and said notice shall require all persons inte to show cause, if any, why such report should not be conf before the city council, on a day to be fixed by the city c and stated in said notice, which day shall not be less twenty days from the first publication thereof.

SEC. 9. That section forty-six of the above-entitled hereby amended so as to read as follows: —

Section 46. All objections shall be in writing and file the clerk of the city council, who shall, at the next m after the date fixed in the notice to show cause, lay th objections, if any, before the council, which shall fix a for hearing the same; of which time the clerk shall noti objectors in the same manner as are notified objectors original resolution of intention. At the time set, or at other time as the hearing may be adjourned, the city c shall hear such objections and pass upon the same, and a time shall proceed to pass upon such report, and may co

clerk of the council within thirty days from the first publication of the ordinance or resolution of intention hereinbefore mentioned, the city council shall have power to declare such grade established and established in conformity to said ordinance or resolution: *provided*, that no change of any established grade shall be ordered except on petition of the owners of a majority of the property affected by the proposed change of grade.

SEC. 2. That section thirty-nine of the above-entitled act is hereby amended so as to read as follows:

Section 39. Within thirty days after the first publication of said notice, any person owning property fronting upon said portion of the street or streets whereon such change of grade is to be made, may file a petition with the clerk of the city council, setting forth the lot of such owner, by the description and situation of the property claimed to be damaged, its market value, and the estimated amount of damage, over and above all benefits which the property would sustain by the proposed change, if any be stated. Such petition shall be verified by the oath of the petitioners, or their agents.

SEC. 3. That section forty of the above-entitled act is hereby amended so as to read as follows:

Section 40. When such petition or petitions have been filed, the mayor, surveyor and superintendent of streets of the city and county, acting as a board of commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district as said lot appears of record upon the last city and county assessment roll.

SEC. 4. That section forty-one of the above-entitled act is hereby amended so as to read as follows:

Section 41. The commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor.

SEC. 5. That section forty-two of the above-entitled act is hereby amended so as to read as follows:

Section 42. The commissioners shall have power to subpœna witnesses to appear before them to be examined under oath, which any one of said commissioners is authorized to administer.

SEC. 6. That section forty-three of the above-entitled act is hereby amended so as to read as follows:

Section 43. The commissioners having determined the damage which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvement, and during the progress of their work shall make a report to said city council as *often as it may be required.*

SEC. 7. That *section forty four of the above-entitled* act is *hereby amended so as to read as follows:*

Section 44. The commissioners shall make their report in

... the assessment of the cost of such
apply to the work herein contemplated; neith
visions of the same in regard to the issuing of
sent the cost of the same, nor the provisions
right of protest against the work.

SEC. 11. That section forty-eight of the above
amended so as to read as follows: —

Section 48. The clerk of said city council s
the street superintendent of the city a certi
report, assessment, and plat, as finally confirm
by the city council. Such certified copy shal
the assessment roll, the cost of which shall be
the commissioners, as a portion of the cost of t
therein. Immediately upon receipt thereof b
perintendent, the assessment therein containe
due and payable, and shall be a lien upon all th
tained or described therein.

SEC. 12. That section forty-nine of the above
hereby amended so as to read as follows: —

Section 49. The superintendent of streets sh
give notice, by publication for ten days in one
newspapers published and circulated in said c
county, or two successive insertions in a weekly
newspaper so published and circulated, that h
said assessment roll, and that all sums levied a
said assessment roll are due and payable imm
that the payment of said sums is to be made
thirty days from the date of the first publication
Said notice shall also contain a statement that a
not paid before the expiration of said thirty
declared to be delinquent, and that thereafter t
per cent upon the amount of such delinquen
together with the cost of advertising each deli
ment, will be added thereto. When payment
ment is made to said superintendent of streets,
the word "paid" and the date of payment opp
ive assessment ...

in the same manner as is or may be provided for the collection of state and county taxes, and after the date of said delinquency and before the time of such sale herein provided for, no assessment shall be received, unless at the same time the five per cent added to as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published daily for five days, in one or more daily newspapers published and circulated in such city, or by at least two insertions in a weekly newspaper so published and circulated, before the day of sale for such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. All property sold shall be subject to redemption for one year, and in the same manner as in sales for delinquent state and county taxes, and the superintendent of streets shall, if there is no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold, and may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property for delinquent state and county taxes in force at any given time shall also then, as far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the street superintendent made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. The superintendent of streets shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating each fund by the name of the street, square, lane, alley, court or place for the change of grade for which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners, or a majority of them.

SEC. 13. That section fifty of the above-entitled act is hereby amended so as to read as follows:

SECTION 2. When sufficient money is in the hands of the city treasurer, in the fund voted for the proposed work or improvement, to pay the total cost for damages, as well as for the cost of doing the work, and all other expenses incurred therewith, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which can be received at the office of such commissioners. Such notification may be made by depositing a notice, postage paid, in the post-office, addressed to his last known place of residence. If after the expiration of three days after the service or deposit of the notice in the

cept the same, the city council may caus
commenced, in the name of the city, to con
as provided by law under the right of em
ordinance or resolution of intention shall
dence of the necessity of the same. Suc
have precedence, so far as the business of
mit, and any judgment for damages therei
payable out of the special fund in the tr
pose. At any time after the trial and ju
pending appeal, the court may order the
apart in the city treasury a sufficient sum
answer the judgment, and thereupon may
the municipality to proceed with the pro
provements. In case of a deficiency in s
whole assessed judgment and damages, th
in its discretion, order the balance thereo
the general fund of the treasury, or to be
commissioners over the property assessed
assessment; but in the last named case, i
lay, the city council may advance such
available fund in the treasury, and reimb
the collection of assessments. The treasu
warrants in the order of their presentat
warrants for damages and for costs of pe
shall have priority over warrants for cha
and the treasurer shall see that sufficient
the fund to pay all warrants of the first clas
of the second. The provisions of section
hundred and fifty-one of the Code of Civil P
the payment of damages within thirty da
of judgment, shall not apply to damages re
ings under this act.

SEC. 15. That section fifty-two of the a
hereby amended so as to read as follows: —

Section 52. All other provisions contai
which this is amendatory, and which

such resolution or ordinance shall declare the intention to have such work done or improvement made under such other acts or ordinances and continued under this act and from such election so made all proceedings theretofore had are hereby ratified, confirmed and made valid and it shall be unnecessary to renew or conduct over again any proceedings prior to the passage of this act

SEC. 16. That section fifty three of the above-entitled act is hereby amended so as to read as follows:

Section 53. The provisions of this act shall be liberally construed, to permit the objects thereof

SEC. 17. This act shall take effect and be in force immediately after its passage.

An act to amend sections two, twenty four and thirty-seven of an act entitled 'An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March eighteenth eighteen hundred and eighty five, and to add a new section thereto, to be numbered section two, and to repeal section twenty four of said act, approved March 11, 1903.

[Approved March 11, 1903. Stats. 1903, p. 172.]

The people of the State of California, do enact as follows:

SECTION 1. That section two of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth eighteen hundred and eighty five, is hereby amended to read as follows:

Section 2. Whenever the public interest or convenience may require the city council is hereby authorized and empowered to order the whole or any portion either in length or width, of the streets, avenues, lanes, alleys, courts or places of any such city graded or regraded to the established grade thereof or unpaved paved or repaved macadamized or remacadamized, graveled or regraveled piled or repiled wrapped, covered or recovered and to order sidewalks, crosswalks, culverts, crosspools, gutters, tunnels, curbing and retaining walls to be constructed thereon or in order thereto and to order the use of walls of rock or other material to protect the same from overflow or injury and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts or places and it may order any of the said work to be done and also to order a street or streets, with suitable bridges, drainage and sanitary purposes in over or through any property granted or obtained for such purpose; provided that whenever the grade of a street, avenue, lane, alley, court or place shall hereafter be changed the petition of the owners of a majority of the feet fronting thereon, asking for grading the same to the new grade, shall be a condition precedent to the ordering of such grading to be done.

SEC. 2. That section twenty four of said act is hereby amended to read as follows:

Section 24. The city council of such city shall have full power and authority to construct streets gutters and man holes, and provide for the cleaning of the same and to curb or crosspools, or cross-walks of such walks or any portion of any sidewalk, upon or in any street, avenue, lane, alley, court, or

proper.

SEC. 3. That section thirty-seven of said a amended to read as follows. –

Section 37. That said act shall take effect an immediately upon its passage, and all acts and p conflict with this act are hereby repealed; *and ever*, that any work or proceeding of the city menced under the act of which this is amendato wise be affected thereby, but shall in all respec and completed thereunder.

An act to provide for the planting, maintenance, and trees upon streets, lanes, alleys, courts, and places cipalities, and of hedges upon the lines thereof; als ication of certain weeds within city limits.

[Approved March 11, 1893; Stats. 1893, p.

SECTION 1. All streets, lanes, alleys, places, or municipalities of this state now open or dedica may hereafter be opened or dedicated, to publ grade has been officially established, and which tually graded in conformity therewith, may be shade-trees, along the edges of the sidewalks the of the city council, which shall have power, also, the maintenance and care of the same; and the shall have power to prescribe the height, thickn ner of trimming of all hedges set out, or that shal set out, along the line of any street, lane, alley, p dedicated to public use, whether graded or not, a compliance with its ordinances in the premises l or occupants of the lots fronting thereon. The p conferred upon city councils shall be exercised i and under the proceedings hereinafter described

SEC. 2. The city council of any municipality may, at its discretion, pass a resolution of intent or cause to be planted, with shade-trees, any g

also cause a copy of the resolution to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said city council.

SEC. 3. The owners of a majority of the frontage of the property on both sides of the street proposed to be planted as aforesaid may, within ten days after the expiration of the time of publication of said resolution, file their written statement of objections to the proposed work with the city clerk, which must be signed by the objectors, each one writing after his or her name the number of feet frontage owned by him or her. Such objection must show wherein the parties making them will be injured or aggrieved by the proposed work, and if the objection be to the kind of trees proposed to be planted, they must name some other kind of tree to be substituted therefor. The city council shall, at its next meeting after the filing of said objections, fix a time for hearing the same, not less than one week thereafter. The city clerk shall thereupon notify each objector, or his agent, who has signed his or her name to the statement, by depositing, in the post-office of said city, a notice addressed to him or her, postage prepaid, notifying the objectors of the time and place of hearing. At the time specified, the council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, except that in the choice of trees to be planted, it shall be governed by the written request of the owners of a majority of the frontage on both sides of the street which it is proposed to plant. If the objections be sustained, no further proceedings shall be taken under the resolution of intention for six months after the date of its passage. If it be again proposed to plant the street, the council shall commence proceedings de novo as if no action had been previously taken.

SEC. 4. At the expiration of ten days after the expiration of the time of publication of said resolution of intention, if no written objections to the work therein described shall have been filed with the city clerk, as hereinbefore provided, otherwise, immediately upon the overruling of the objections by the council, the council shall be deemed to have acquired jurisdiction to order to be done the work which is authorized by this act, which order shall be published for two days in the same papers and manner as provided for the publication of the resolution of intention.

SEC. 5. Before passing any resolutions for the planting of any street, the city council shall cause notice, with specifications, to be posted conspicuously for five days near the door of the council chamber, and shall advertise the same for five days in the same manner and papers as heretofore provided for the publication of the resolution of intention, inviting sealed proposals for bids for furnishing the trees and doing the work ordered. All bids shall state the sum or price for which the bidder will undertake to furnish the trees, of the kind, age, and size required, and will suitably prepare the ground, set out the trees, warrant every one of them to grow, or replace all that fail to grow or receive damage from whatever cause with others of the same kind, and of suitable age and size to preserve uni-

[illegible] and will for three years care for, cultivate, protect, irrigate, and trim said trees. And no order for the planting of any street shade trees shall be made that does not likewise provide for the care and maintenance of the trees for three years by the contractor planting the trees. All proposals or bids shall be accompanied by a check payable to the order of the mayor or president of the city council, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal. Said proposals or bids shall be delivered to the clerk of the city council, indorsed "Proposals to plant trees," and said council shall in open session examine and publicly declare the same, provided that no proposal or bid shall be considered unless accompanied by said check. The council may reject any proposals should it deem that for the public good, and shall reject the bid of any party who has been delinquent or unfaithful to any former contract with the municipality, and may award the contract to the lowest responsible bidder at the price named in his bid, which award shall be approved by the mayor or president of the council. Notice of such awards of contract shall be posted and advertised for five days in the manner hereinbefore provided, and it shall be the duty of the superintendent of streets to enter into a contract with the bidder to whom the work shall have been awarded by the council, and at the price specified in his bid, whereupon the certified checks of the other bidders shall be returned to them respectively. But if such lowest bidder neglects, fails or refuses, for fifteen days after the first posting and publication of the award to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids as in the first instance and thereupon award the work to the next lowest bidder. If the contractor who shall have taken any contract shall not commence the planting within the time named in the contract, or within such further time as the council may give him, the superintendent of streets shall report such delinquency to the council, which may grant the unexecuted portion of the planting and the future care of the trees after pursuing the formalities hereinbefore prescribed for the letting of the work in the first instance.

Sec. 6. All contractors shall at the time of executing any contract for the planting and care of trees execute a bond to the satisfaction of the mayor or president of the city council, with two or more sureties and payable to the city in such sums as the mayor or president of the council shall deem adequate conditioned for the faithful performance of the contract, and the contractor shall further before the remainder of a portion of the price is due, deposit with the treasurer of such bond over and above all retained percentages, the same being retained to any contractor the bonds given the award shall have been made. Upon payment to the treasurer of the cost of the publication of notices, resolutions, and orders, and all other incidents of proceedings required under the proceedings prescribed by this act.

Sec. 7. All work done under the provisions of this section shall be executed under the direction of the superintendent of

also cause a copy of the resolution to be published for six days in one or more daily newspapers published and circulated in said city and designated by said city council.

SEC. 3. If the owners of a majority of the frontage of the property on both sides of the street proposed to be planted as aforesaid may, within ten days after the expiration of the time of publication of said resolution, file their written statement of objections to the proposed work with the city clerk, which must be signed by the objectors, each one writing after his or her name the number of feet frontage owned by him or her. Each objection must show wherein the parties making them will be injured or aggrieved by the proposed work, and if the objection be to the kind of trees proposed to be planted, they must state some other kind of tree to be substituted therefor. The city council shall, at its next meeting after the filing of such objections, fix a time for hearing the same, not less than one week thereafter. The city clerk shall thereupon notify each objector, or his agent, who has signed his or her name to the statement, by depositing, in the post-office of said city, a notice addressed to him or her, postage prepaid, notifying the objector of the time and place of hearing. At the time specified the council shall hear the objections urged and pass upon the same, and its decision shall be final and conclusive, except that as to the kind of trees to be planted it shall be governed by the wish or request of the owners of a majority of the frontage on both sides of the street which it is proposed to plant. If the objections be sustained, no further proceedings shall be taken under the resolution of intention for six months after the date of its passage. If it be again proposed to plant the street, the council shall commence proceedings de novo as if no action had been previously taken.

SEC. 4. At the expiration of ten days after the expiration of the time of publication of said resolution of intention, if no written objections to the work therein described shall have been filed with the city clerk, as hereinbefore provided, otherwise immediately upon the overruling of the objections by the council, the council shall be deemed to have acquired jurisdiction to order to be done the work which is authorized by this act, which order shall be published for two days in the same papers and manner as provided for the publication of the resolution of intention.

SEC. 5. Before passing any resolutions for the planting of any street, the city council shall cause notice, with specifications, to be posted conspicuously for five days near the door of the council chamber, and shall advertise the same for five days in the same manner and papers as heretofore provided for the publication of the resolution of intention, inviting sealed proposals for bids for furnishing the trees and doing the work ordered. All bids shall state the sum or price for which the bidder will undertake to furnish the trees, of the kind, age, and size required, and will suitably prepare the ground, set out the trees, warrant every one of them to grow, or replace all that fail to grow or receive damage from whatever cause with others of the same kind, and of suitable age and size to preserve uni-

Said warrant, assessment, and diagram
the office of the superintendent of streets,
the several amounts assessed shall be a l
lots, or portions of lots, assessed, respectiv
two years from the date of said recordin
charged. From and after the date of said
interested in any manner in any or all
shall be deemed to have notice of the cont

SEC. 10. After said warrant, assessment,
have been recorded, the same shall be d
tractor, his agents or assigns, on demand,
be authorized to demand and receive the
eral assessments. In default whereof, and
collections, interest, cost, and penalties, a
errors, the same proceedings are to be had
sections nine, ten, eleven, twelve, sixteen, a
act entitled "An act to provide for work
alleys, courts, places, and sidewalks, and f
of sewers within municipalities," approved
eighteen hundred and eighty-five, amended
eighteen hundred and eighty-nine.

SEC. 11. The city council of every munici
has jurisdiction of the hedges and fences p
owners along street lines, and may, by or
the planting of thorn-bearing hedges and
wire along street lines, and may regulate
and the mode of trimming hedges, and e
enacted for such purposes against absente
gent or recusant owners or occupants of lots
hedges are maintained. They may also co
nuisances, any or all weeds whose seeds a
downy nature, and are spread by the winds
the eradication of such weeds by the owners
they grow, or at their expense.

SEC. 12. The city council or trustees of
shall

An act to provide for laying out opening extending widening, straightening, diverging curving constructing or closing up, in whole or in part, any street, square lane alley court or place within municipalities or cities and cities and counties of forty thousand inhabitants or over and to condemn and acquire any and all land and property necessary or convenient for that purpose

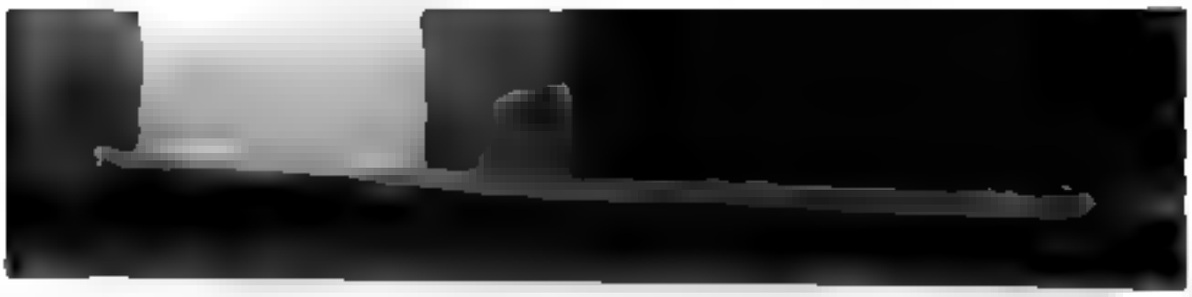
(Approved March 28, 1883. Stats. 1883, p 28.)

SECTION 1. *Be it enacted* Whenever the public interest or convenience may require the city council of any municipality or cities and cities and counties containing over forty thousand inhabitants, shall have full power to order and upon the petition of the owners of a majority of the frontage to be taken for said purpose shall order the opening or extending widening, straightening diverging curving, constructing or closing up, in whole or in part of any street, square lane alley, court, or place within the bounds of such city, and shall condemn and acquire any and all lands necessary or convenient for that purpose

SEC. 2. Before ordering any work to be done or improvement made, which is authorized by section one of this act, the city council shall then pass a resolution declaring the intention to do said work describing the work or improvement, and the land deemed necessary to be taken therefor and specifying the exterior boundaries of the district of land to be affected or benefited by said work or improvement, and to be assessed to pay the damages cost and expense thereof

SEC. 3. The street superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement and not more than three hundred feet in distance apart but not less than three in all portions of the passage of said resolution said notice shall be headed "Notice of Public Work" in letters not less than one inch in length shall be in legible characters, state the fact of passage of the resolution, its date and briefly the work of improvement proposed, and refer to the resolution for further particulars He shall also cause a notice similar in substance to be published for a period of ten days in one or more daily newspapers published and circulated in said city and designated by said city council or if there be no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper so published circulated, and designated

SEC. 4. Any person, through whose lands said proposed street extension runs, or who will be damaged or affected by said proposed work, may within ten days after the first publication of said notice file with the clerk of the city council his written objections thereto stating in what manner and to what extent he will be damaged, which objections shall be referred to the clerk of the city council who shall indorse thereon the date of reception by him and at the next meeting of the city council, after the expiration of said ten days, any said objectors before said city council, which shall fix a time for hear-



agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his warrant for the same

Issued —, —— (Name of superintendent of streets.)

Countersigned by (name of mayor or president of council).

Recorded (date —, ——). (Name of superintendent of streets.)

Said warrant, assessment, and diagram shall be recorded in the office of the superintendent of streets. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged. From and after the date of said record all persons interested in any manner in any or all of the lots assessed shall be deemed to have notice of the contents of said record.

Sec. 10. After said warrant, assessment and diagram shall have been recorded, the same shall be delivered to the contractor, his agents or assigns on demand, who shall thereby be authorized to demand and receive the amounts of the several assessments. In default thereof and as regards enforced collections, interest, cost, and penalties and the correction of errors, the same proceedings are to be had as are specified in sections nine hundred seventy-seven and seventeen of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers with a municipality, approved March eighteenth, eighteen hundred and eighty-five, amended March fourteenth, eighteen hundred and eighty-nine.

Sec. 11. The city council of every municipality in this state has jurisdiction of the hedges and trees planted by property owners along street lines, and may by ordinance prohibit the planting of trees bearing hedges and the use of barbed wire along street lines, and may regulate the height, width and the mode of trimming hedges, and enforce ordinances enacted for such purposes against absentees, or other negligent or recusant owners or occupants of lots or lands on which hedges are maintained. They may also condemn, as public nuisances, any or all weeds whose seeds are of a winged or downy nature, and are spread by the winds, and may compel the eradication of such weeds by the owners of the lots whereon they grow, or at their expense.

Sec. 12. The city council or trustees of every municipality shall provide for the replacement of missing trees, and for the trimming and care of all trees that have or shall have been planted for three or more years in the streets and highways, whether such planting shall have been done under this act or otherwise. The expense thereof must be defrayed out of the street fund, and the work be done by the superintendent of streets of such municipality.

Sec. 13. This act shall only apply to such municipalities as shall by vote of the electors residing therein determine to come within its provisions.

Sec. 14. This act shall take effect from and after its passage

An act to provide for laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities or cities and cities and counties of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

[Approved March [illegible], 1889. Stats. 1889, p. [illegible].]

SECTION 1. Be it enacted: Whenever the public interest or convenience may require, the city council of any municipality or cities and cities and counties containing over forty thousand inhabitants shall have full power to order, and upon the petition of the owners of a majority of the frontage to be taken for said purpose shall order, the opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and shall condemn and acquire any and all lands necessary or convenient for that purpose.

SEC. 2. Before ordering any work to be done or improvement made, which is authorized by section one of this act, the city council shall then pass a resolution declaring the intention to do said work, describing the work or improvement and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of land to be affected or benefited by said work or improvement and to be assessed to pay the damages, cost, and expenses thereof.

SEC. 3. The street superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement, and not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, state the fact of passage of the resolution, its date, and briefly the work of improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice similar in substance to be published for a period of ten days in one or more daily newspapers published and circulated in said city, and designated by said city council; or if there is no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper so published, circulated, and designated.

SEC. 4. Any person through whose lands said proposed street extension runs, or who will be damaged or affected by said proposed work, may, within ten days after the first publication of said notice, file with the clerk of the city council his written objections thereto, stating in what manner and to what extent he will be damaged. Such objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and at the next meeting of the city council, after the expiration of said ten days, lay said objections before said city council, which shall fix a time for hear-

be adjoining, [illegible]
and if the owners of a majority of [illegible]
be assessed for benefits, as said owners appear on the last preceding annual assessment roll for state and county taxes, object, in writing, to said proposed opening, extending, and widening, straightening, diverging, curving, contracting, or closing up of said street, said city council shall sustain said objections, and all proceedings thereto shall be stopped for the period of twelve months. Proceedings may be again commenced by a new resolution of intention. If the owners of a majority of the frontage of all streets within the assessment district do not object, in writing, thereto, within the time specified in this act, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done or improvements to be made which is authorized by section one of this act.

SEC. 6. Having acquired jurisdiction, as provided in the preceding section, the city council shall order said work to be done, and, unless the proposed work is for closing up, and it appears that no assessment is necessary, shall appoint three disinterested persons, who shall constitute a board of commissioners in that regard, who shall have full supervision of the proposed work or improvement until the completion thereof in compliance with this statute. For their services they shall each receive, as compensation, not to exceed five dollars for every day of actual service; *provided*, that said compensation shall not be paid for a longer term than six months for each district, unless extended by the council. Such extension shall not exceed two months at one time, nor shall the term of office of said commissioners, for any district, continue for longer than one year. Such compensation shall be added to and be chargeable as a part of the expenses of the work or improvement. Each of said commissioners shall file with the clerk of the city council an affidavit and a bond to the state of California, in the sum of five thousand dollars, to faithfully perform the duties of his office. The city council may at any time remove any or all of said commissioners for cause, upon reasonable notice and hearing, and may fill any vacancies [illegible] them for any cause. At the end of the term [illegible] over all unfinished

department of the city government, receive, in addition to his salary allowed by law, all sums which he may lay out, pay out, or expend in the prosecution of said work, for materials or labor necessarily thereon by him employed.

SEC. 7. Said commissioners shall have an office assigned to them by the city council, in the city hall, and shall have power to employ a secretary, at a salary not to exceed one hundred and fifty dollars per month, and such other clerical assistance as shall be provided them by the city council, the salaries and fees of whom shall be established and fixed by said city council.

SEC. 8. All such charges and expenses shall be deemed as expenses of said work of improvement and be a charge only upon the lands assessed for the particular work or improvement as provided hereinafter. All payments, as well for the land and improvements taken or damaged, as for the charges and expenses, shall be paid by the city treasurer, upon warrants drawn upon said fund from time to time, signed by said commissioners or a majority of them. All such warrants shall state whether they are issued for land or improvements taken or damaged or for charges and expenses, and that the demand is only payable out of the money in said fund, and in no event shall the city be liable for the failure to collect any assessment made by virtue hereof, nor shall said warrant be payable out of any other fund, nor a claim against the city.

SEC. 9. Said commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any of them. Having viewed the land to be taken and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land, and the damage to improvement and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same, shall proceed to assess the same upon the lands described in said district herein provided. The lands from which said extension or widening shall only be assessed to the depth of one hundred and twenty feet, or the full depth of lots, not exceeding one hundred and fifty feet; and said lands shall be assessed with reference to the amount of grading to be done, and their location on the grades of said street or improvement, and the expenses of grading and fills or banks, whether filling or cutting shall be necessary to put them on the grade of said street or improvement, shall be considered in determining the value of the land, and the damage to the improvement and property affected.

SEC. 10. Said commissioners, having made their assessment of benefit and damage shall, with all diligence, make a written report thereof to the city council, and shall accompany their report with a plat showing the land taken, or about to be taken, for the work or improvement, and the lands assessed, showing the relative location of *each lot, block, lot*, or portion of lot, and *its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot*, or portion of *lot, taken or assessed, shall be designated* and described in

SEC. 11. Said report shall specify eacl
piece of property taken or injured by th
improvement, or assessed therefor, togeth
the owner or claimant thereof, or of perso
as lessees, encumbrancers, or otherwise, s
known to such commissioners, and the pa
terests, so far as the same can be ascertain
of value or damage, or the amount assessed

SEC. 12. If in any case the commission
claims of title exist, or shall be in ignoranc
ownership of any lot of land, or of any imp
or any interest therein, it shall be set do
unknown owners. Error in the designati
owners of any land or improvements, or o
their interest, shall not affect the validity o
the condemnation of the property to be tak

SEC. 13. Said report and plat shall be f
office of the city council, and thereupon th
council shall give notice of such filing by
least ten days in one or more daily newspap
circulated in said city; or if there be no da
three successive insertions in a weekly or
paper so published and circulated. Said
require all persons interested to show cause
report should not be confirmed, before the
before a day fixed by the clerk thereof, and
tice, which day shall be not less than thirty
publication thereof.

SEC. 14. All objections shall be in writing,
clerk of the city council, who shall, at the n
the day fixed in the notice to show cause, li
tions, if any, before the city council, which s
hearing the same, of which the clerk shall nc
in the same manner as objectors to the orig
intention. At the time set, or at such other
ing may be adjourned to the

assessment, and plat as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, and taxes duly after such filing shall become a lien on the property assessed thereto for the proportion of the cost of said improvement so levied or provided.

SEC. 10. The superintendent of streets shall thereupon give notice by publication for ten days in two daily newspapers published and circulated in said city and county or by two successive insertions in a weekly newspaper so published and circulated that he has received said assessment roll and that all persons interested and concerned in said assessment will are due and payable to contractor, and that the payment of said sums is to be made to him within thirty days from the day of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent and that thereafter the sum of five per cent upon the amount of each delinquent assessment together with the cost of advertising such delinquent assessments will be added thereto. Upon payment of any assessment to said superintendent of streets he shall write the word "paid" and the date of payment opposite the respective assessments so paid and the names of persons by whom said assessment is paid and shall if so requested give a receipt therefor. On the expiration of said thirty days all assessments not so paid shall be and become delinquent and said superintendent of streets shall certify such fact to the board of said assessment roll, and shall add five per cent to the amount of each to assessment not so delinquent. The said superintendent of streets shall, within five days from the date of said delinquency proceed to advertise and collect the said assessments so delinquent and the costs thereof including the cost of advertising which last shall not exceed the sum of fifty cents for each lot or parcel of land separately assessed by the assessment and plat of said property in the same manner as is or may be provided for the collection of state and county taxes and after the levy of said delinquency and before the time at which property is sold for no assessment shall be received unless the same five per cent added thereto as aforesaid together with the cost of advertising then already incurred shall be paid therewith and that of delinquent assessments shall be published for five days in one or more daily newspapers published and circulated in said city or by posting in three public newspapers published and circulated in said city or by posting in three public places in said city for a like period of time if there be no newspaper published in said city at the date of sale of such delinquent assessments. Said sale shall not be held less than seven days from the date of the first publication of said delinquent assessments and shall be public and held in front of the office of said superintendent of streets of property and shall be subject to redemption in the same time and manner as is now provided for delinquent state and county taxes and the superintendent of streets shall be entitled to receive fifty cents, and for each deed so delivered the same fee in reference to the sale and redemption of property for delinquent state and county taxes to have at any given time

... awarded therefor.
intendent of streets shall, from time to time, pay c
city treasurer all moneys collected by him on accou
such assessments. The city treasurer shall, upo
thereof, place the same in a separate fund, designa
fund by the name of the street, square, lane, alley
place for the widening, opening, or other impro
which the assessment was made. Payments shall
from said fund to the parties entitled thereto, upon
signed by the commissioners, or a majority of them.

SEC. 17. When sufficient money is in the hands o
treasurer, in the fund devoted to the proposed work or
ment, to pay for the land or improvements taken or
and when, in the discretion of the commissioners, o
ity of them, the time shall have come to make pay
shall be the duty of the commissioners to notify th
possessor, or occupant of any land or improvements t
whom damages shall have been awarded that a wa
been drawn for the payment of the same, and that l
ceive such warrant at the office of such commission
tendering a conveyance of any property to be taken
notification, except in the case of unknown owners, to
by depositing a notice, postage paid, in the post-office, a
to his last known place of abode or residence. If, at
ration of thirty days after the deposit of such notice, h
not have applied for such warrant and tendered a co
of the land to be taken, the warrant so drawn shall
ited with the county treasurer, and shall be delivere
owner, possessor, or occupant, upon tendering a conve
aforesaid, unless judgment of condemnation shall be h
the same shall be canceled.

SEC. 18. If any owner of land to be taken neglects o
to accept the warrant drawn in his favor, as aforesa
jects to the report as to the necessity of taking his l
commissioners, with the approval of the city coun
cause proceedings to be taken for the condemnation th
provided by law under the right of ...

be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and judgment entered, or pending an appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from the fund appropriated to the particular improvement, to answer the judgment and all damages, and thereupon may authorize and order the municipality to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of said judgment and damages, the city council shall order the balance thereof to be paid out of the general fund of the treasury.

Sec. 19. The treasurer shall pay such warrants out of the appropriate fund and not otherwise, in the order of their presentation: provided, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Sec. 20. If any title attempted to be acquired by virtue of this act shall be found to be defective from any cause, the city council may again institute proceedings to acquire the land as in this act provided, or otherwise, or may authorize the commissioners to purchase the same, and include the cost thereof in a supplementary assessment, as provided in the last section.

Sec. 21. 1. The words "work" and "improvement," as used in this act, shall include all work mentioned in section one of this act.

2. In case there is no daily or weekly or semi-weekly newspaper printed and circulated in the city, then such notices as are herein required to be published in a newspaper shall be posted and kept posted for the length of time required herein for the publication of the same in a weekly newspaper, in three of the most public places in such city. Proof of the publication of posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

3. The word "municipality" and the word "city" shall be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purposes.

4. The term "street superintendent and superintendent of streets," as used in this act, shall be understood and so construed as to include and are hereby declared to mean the any person or officer whose duty it is under the law to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is not a street superintendent or superintendent of streets the council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets, and all the provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such persons so appointed.

4. The term "city council" is hereby declared to include any body or board which under the law, is the legislative department of the government of any city.

5. The term "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of said city council.

7. The term "treasurer" or "city treasurer" as used in this act, shall include any person or officer who shall have charge and make payment of the city funds.

SEC. 2. The mayor, tax collector and city or city and county attorney as he may next be of all municipalities wherein here in existing at the passage of this act commission appointed for the opening, extending or widening of streets under the provisions of said act of March ninth eighteen hundred and eighty-nine, and which commission is not within the purview of section three of this act, are hereby constituted a board of audit whose duty it shall be upon petition of said commission to carefully examine all the accounts, bills, and proposed rates made or contracted for by said commission, including the salaries of the said commissioners, and said board of audit or a majority of its members is hereby authorized to audit and allow such amounts as it shall find to be just and reasonable and report said amounts with the items thereof and to whom payable to the city council. Said report shall be final and conclusive as to said amounts. The city council is authorized to pass and allow and order paid to each of the persons entitled thereto the amounts so found to be due, in the same manner as claims and demands against such municipality are passed, allowed and ordered paid. The payment of said amounts shall be provided for in the tax levy next thereafter made by said city council, and when said taxes are collected the said amounts shall be paid out of the general fund of said municipality in the same manner as other claims and demands are paid.

SEC. 3. The act approved March ninth eighteen hundred and eighty-nine entitled "An act for opening, widening, and extending streets, etc." after the passage of this act shall not apply to any city or city and county having a population of forty thousand inhabitants or over, but as to any city or city and county having a population of forty thousand or over said act shall not apply. But said streets and cities and counties shall be subject only to the provisions of this act in all matters embraced within the purview of this act; provided, however, that the present city council or other governing body of any municipality of forty thousand inhabitants or over shall have power by a three-fourths vote of its members to extend the life of any existing commission until its work shall have been completed as in said act provided; but in all other cases in cities or cities and counties of forty thousand inhabitants or over the assessments, plats and reports filed by said commissioners are declared to be null and void and all moneys collected under the provisions of said act shall be refunded to the persons from whom the same were collected, in the same manner as taxes which have been twice collected, and the said com-

missioners are hereby removed from office; *provided further, however*, that in case of the lands necessary to widen or open any street, there shall have been actually purchased and conveyed to the municipality, under the provisions of said act of March sixth, eighteen hundred and eighty-nine, more than one half of the land necessary for said improvements, as shown by the report and plat on file, then said streets, and the improvement thereof, shall not be affected by this act, but the same shall be completed as commenced.

SEC. 24. This act shall be liberally construed, to promote the objects thereof.

This act shall take effect and be in force from the time of its passage.

An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds.

[Approved February 27, 1893; Stats. 1893, p. 33.]

SECTION 1. Wherever in this act the phrase "street-work act" is used, it means, and shall be taken to mean, the act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and all acts amendatory thereof or supplementary thereto; and wherever in this act the name of any municipal body or officer is used, or any word or phrase is used which is not herein expressly defined, it means and shall be taken to mean such municipal body or officer, or word or phrase, as the same is expressly defined in said street-work act, and in all acts amendatory thereof or supplementary thereto.

SEC. 2. Whenever the city council of any municipality in this state shall find, upon estimates of the city engineer, that the cost of any proposed work or improvement authorized by said street-work act will be greater than one dollar per front foot along each line of the street so proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement, in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or

the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee, and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

SEC. 3. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under said street work act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by said street work act to be either posted or published; and also a notice that a bond will issue to represent each assessment of fifty dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said council upon an appeal, and describing the bonds shall be included in the warrant provided for in section nine of said street work act.

SEC. 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, as provided in section eleven of said street work act, then five days after the final decision of said council, and after the street superintendent shall have recorded the return, as provided in section ten of the same act, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to fifty dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

Series (designating it), in the city (or other form of the municipality) of (naming it).

$——/100. No. ——.

Under and by virtue of an act of the legislature of the state of California, title of this act, I, out of the fund for the above designated street improvement bonds, series ——, will pay to —— or order, the sum of —— $—— with interest at the rate of —— per cent per annum, all as is hereinafter specified, and at the office of the —— treasurer of the —— of —— state of California. This bond is issued to represent the cost of certain street work upon ——, in the —— of ——, as the same is more

fully described in the assessment number ——, issued by the street superintendent of said ——, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number ——, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit, the lot or parcel of land in said —— of ——, county of ——, state of California, ——.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is —— years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of —— per centum per annum. The interest is payable semi-annually, to wit, on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of ——, and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law for sale of land assessed for state and county taxes delinquen in the payment thereof.

At said —— of ——, this —— day of ——, in the year one thousand —— hundred and ——.

—— ——,
City Treasurer of the —— of ——.

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than fifty dollars, then the same shall be collected as is hereinbefore provided in part one of said street-work act.

Provided, also, that if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessments upon his lot or parcel of land present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and with such affidavit and certificate such person notifies said treasurer in writing that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection as if said lot or parcel of land had not been so listed by the street superintendent. The bonds so issued by said

treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto payable in annual order on the second day of January in each year after the date of the bond, [illegible] are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under said street work act and this act previous to the making of the certified list of all assessments unpaid in the amount of fifty dollars or over by the street superintendent to the city treasurer, and of the validity of said lien, up to the date of said list.

Sec. 5. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been issued, any payment, either upon the principal or of the interest, shall not be made when the same is due, and the holder of the bond thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond or its unpaid [illegible] with its accrued interest shall become due and payable immediately, and on the day following shall become delinquent, and the city treasurer shall have, and shall act thereafter with, all the powers and duties of the tax collector in the collection of unpaid state and county taxes, and shall forthwith proceed to advertise and sell said lot or parcel of land by proceedings in all respects the same as are provided by law for the collection of delinquent state and county taxes. All such provisions and proceedings after taxes have become delinquent, including the certificate of sale, the right of redemption, and the deed, with the respective costs thereof, are hereby made applicable to this case.

Sec. 6. Whenever any railroad track or tracks of any description exists upon any street or streets on which the city council has ordered work to be done or improvements made, excepting therefrom such portion as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, the said council may at any time thereafter order such person or company to perform upon said

excepted portion the work or improvements, similar in all respects to that already ordered to be performed under the same specifications and supervision, with the same materials, within the same time, and to the like satisfaction and acceptance. Thereupon it shall be the duty of the clerk of said council to deliver immediately a copy of such order, certified by him, to such person or company, and to make and preserve in his office a certificate of such delivery, its date, and upon whom made. Should such person or company, for thirty days, or within such extension of time as the city council may grant, thereafter refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the city council to have such work or improvement performed, and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order such person or company may file with the clerk of said council a written assumption of the performance of said work or improvement according to the order, or a request to the council to have such work or improvement performed, for and at the expense of such person or company, in the manner herein provided. The failure to file such assumption within said time shall be taken and deemed to be a refusal to comply with the order. Upon reception of said assumption of direct performance of said work or improvement, the city council shall take no further proceedings in the matter unless such person or company neglects or fails for thirty days, or such further time as the council may grant, to comply with the provisions of the order. But if such person or company fails to the said request that the said council have such work or improvement performed, or fails to perform said work within thirty days, or within such further time as the council may grant, then said city council may pass an ordinance of intention to perform said work, which ordinance shall specify the work to be performed, and a statement that unless within thirty days after the recording of the return of the warrant or within five days after the final decision of the council on an appeal, the said person or company shall pay the cost of said work, or the street superintendent of said city shall issue bonds to represent the cost of said work, stating also that the cost of said work, unless bonds shall issue shall be paid in ten yearly installments, and also the rate of interest (not to exceed ten per cent per annum) that the same shall bear. The subsequent procedure shall be as provided by the "street-work act." A similar statement shall also be incorporated in all notices required to be posted or published by the provisions of the "street-work act," also in the ordinance or resolution ordering the work, advertisement for proposals, and in the contract. Whenever the person or company owning any such railroad shall not have, within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council on an appeal, paid the cost of such work, the street superintendent shall issue to the contractor, or his assigns, bonds for the amount of such cost, which shall describe the franchise, tracks, and road-bed along or between

thousand dollars, and shall recite that the total amo
cost of such work, together with the interest thereo
sented in said bonds, is, except state, county, and
taxes, a first lien upon all the track, road-bed, sw
franchises of said railroad lying within the corpora
the city or town, on any part of which said work ha
formed. Said street superintendent shall also ke
of such bonds, as required by section eighteen of t
work act." Whenever bonds have been issued, as
vided, the same, together with the cost of such wo
interest thereon, shall be, except state, county, or
taxes, a first lien upon all the tracks, road-beds, sw
franchises of said railroad within the corporate li
city or town, on any part of which said work has
formed. Sections four and five of this act, regardin
issuance, and foreclosure of street bonds, and the s
erty described therein, shall apply hereto, excep
work required to be performed by the treasurer b
tions shall be performed by the street superinten
far as the bonds for the paving of railroads are
None of the provisions of the "street-work act" in
a protest against the work shall apply to any wor
plated by this section. All provisions of the "s
act" not inconsistent with the provisions hereof s
hereto.

SEC. 7. The term "city treasurer," as used in this
be held to mean and include any person who, under
name or title, is the custodian of the funds of th
pality.

SEC. 8. The act entitled "An act to amend an a
'An act to provide for work upon streets, lanes, alle
places, and sidewalks, and for construction of sew
municipalities,' approved March eighteenth, eighte
and eighty-five, by adding thereto an additional
bered four, consisting of sections thirty-eight, t
forty, forty-one, forty-two, forty-three, and forty-fou

Police court of Oakland 73 P. 486, 82 Cal. 339.

Whitney act Police judge ex officio 85 Cal. 333, 85 Cal. 52.

An act to amend an act entitled "An act to provide for police courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof," approved March eighteenth, eighteen hundred and eighty-five, and to provide for certain police courts in cities of twenty-six thousand and under fifty thousand inhabitants.

[Approved March 11, 1891; Stats. 1891, p. 292.]

SECTION 1. An act entitled "An act to provide for police courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof," approved March eighteenth, eighteen hundred and eighty-five, is hereby amended so as to read as follows.

Section 1. The judicial power of every city having thirty thousand and not over one hundred thousand inhabitants shall be vested in a police court, to be held therein by the city justices, or one of them, to be designated by the mayor, but either of said city justices may hold such court without such designation, and it is hereby made the duty of said city justices, in addition to the duties now required of them by law, to hold said police court.

Section 2. The police court shall have exclusive jurisdiction of the following public offenses committed in the city:—

First. Petit larceny.

Second. Assault or battery not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill.

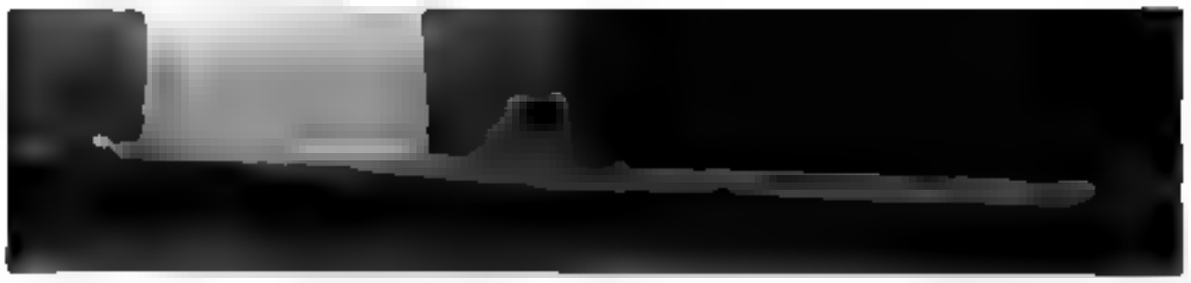
Third. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment.

Fourth. Of proceedings respecting vagrants, lewd, or disorderly persons.

Section 3. Said court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city.

Section 4. Neither of said justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree, and in case of the sickness or inability of the city justices, either of them may call in a justice of the peace residing in the county to act in his place and stead.

Section 5. Each of the city justices, while acting as judge of said court, shall also have power to hear cases of examination, and may commit and hold the offender to bail, for trial in the proper court, and may try, condemn, or acquit, and carry his judgment into execution, *as the case may require*, according to law, *and punish persons guilty of* contempt of court, and *shall have power to issue warrants of arrest* in case of a criminal *prosecution for a violation of a city* ordinance, as well as



in case of the violation of the criminal law of the state; also, all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in each of the cases enumerated in this section in which trial by jury is not secured by the constitution of the state, he may proceed to judgment in the first instance without a jury; but on appeal, the defendant shall be entitled to trial by jury in the superior court.

Section 4. The police court, in all cities having more than twenty-six thousand and less than fifty thousand inhabitants, shall have a clerk, to be appointed by the judge of said court, who shall hold office for the period of two years from the date of his appointment. He shall receive an annual salary of one thousand eight hundred dollars, payable monthly out of the treasury of said city, which salary shall be full compensation for all services rendered by him. The clerk shall keep a record of the proceedings of, and issue the process ordered by the city justices, or either of them, or by said police court, and receive and pay into the city treasury all fines imposed by said court. He shall, also, each month render to the city council an exact and detailed account, upon oath, of all fines imposed and collected since his last report. He shall prepare bonds justify him when the amount has been fixed by either of the city justices of said court in a sum not exceeding one hundred dollars, and may administer and certify oaths. The clerk shall remain at the court-room of said court during the business hours and during such reasonable times thereafter as may be necessary for discharging his duty. Before receiving his salary each or any month he shall make and file with the auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands by virtue of his office. Any violation of this provision shall be a misdemeanor. He shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor and indorsed for the faithful discharge of the duties of his office.

Section 5. All fines and other moneys collected on behalf of the city in the police court shall be paid into the city treasury on the first Tuesday of each month, and all bills for fines and costs due the officers of said court shall be reported to the city council each month.

Section 6. Rooms and dockets. The city council shall furnish a suitable room for the holding of said court, and shall also furnish the necessary dockets and blanks. Two dockets shall be styled: The city criminal docket, in which all the criminal business shall be recorded; and each case shall be alphabetically indexed. Another docket shall be styled "The city civil docket," and it shall contain each and every civil case to which the city is a party or which is prosecuted or defended for her interest, and each case shall be properly indexed.

Section 9. The police court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other courts of this state.

Section 10. Appeals may be taken from any judgment of said

police court to the superior court of the county in which such city may be located, in the same manner in which appeals are taken from justices' courts in like cases.

SEC. 11. In cases of imprisonment of persons convicted in said police court of any offense committed in the city, the persons so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or, if required to labor, shall labor in the city.

SEC. 12. Said courts shall have a seal, to be furnished by the city.

SEC. 13. City cases. The city justices shall, on the first Tuesday of each month, make to the city council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the city civil docket or the city criminal docket, such report to be made upon blanks furnished by the city council, and in such form as they may require.

SEC. 14. Certified transcripts of the dockets made by the clerk of the said court, under the seal of said court, shall be evidence in any court of this state of the contents of said dockets, and all warrants and other process issued out of said court, and all acts done by said court, and certified under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

SEC. 15. This act shall be in force and effect from and after its passage.

An act to provide for police courts in cities having fifteen thousand and under eighteen thousand inhabitants.

[Approved March 31, 1891. Stats. 1891, p. 223.]

SECTION 1. The judicial power of every city having fifteen thousand and under eighteen thousand inhabitants shall be vested in a police court, to be held therein by the city justice of such city, or, if there be more than one such justice of said city, by the city justices thereof, or one of them, to be designated by the mayor; but the city justices may hold such court without such designation, and it is hereby made the duty of said city justices or city justices, in addition to the duties now required of them by law, to hold said police court.

SEC. 2. The police court of any such city shall have jurisdiction of the following public offenses committed in the city:

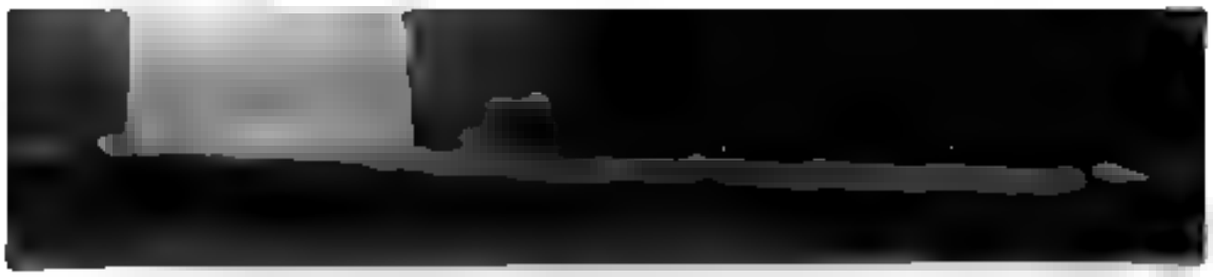
First. Petit larceny.

Second. Assault or battery, not charged to have been committed upon a police officer in the discharge of official duty, or with intent to kill.

Third. Breaches of peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment.

Fourth. Of proceedings respecting vagrants, lewd, or disorderly persons.

SEC. 3. *Said court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance* of said city, both



civil and criminal, and of an action for the collection of any license required by any ordinance of said city

Sec. 6. None of said justices shall sit in cases to which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the sickness or inability of the city justice of any such city, or the city justices thereof, if there be more than one such justice, he or either of them may call in a justice of the peace residing in the county to act in his place and stead.

Sec. 7. Any such city justice, while acting as judge of said court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper court, and may try, condemn, or acquit and carry his judgment into execution as the case may require, according to law; and punish persons guilty of contempt of court; and shall have power to issue warrants of arrest in case of a criminal prosecution for a violation of a city ordinance as well as in case of a violation of a criminal law of the state; also, all subpœnas and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section in which trial by jury is not secured by the constitution of the state, he may proceed to judgment in the first instance without a jury; but, on appeal, the defendant shall be entitled to trial by jury in the superior court.

Sec. 8. All fines and other moneys collected on behalf of the city in the police court shall be paid into the city treasury on the first Tuesday of each month, and all bills for fees and costs due the officers of said court shall be reported to the city council each month.

Sec. 9. Rooms and dockets. The city council shall furnish a suitable room for the holding of said court, and shall also furnish the necessary dockets and blanks. One docket shall be styled "The city criminal docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed. Another docket shall be styled "The city civil docket," and shall contain each and every civil case in which the city is a party or which is prosecuted or defended for her interest, and each case shall be properly indexed.

Sec. 10. The police court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other courts of this state.

Sec. 11. Appeals may be taken from any judgment of said police court to the superior court of the county in which such city may be located, in the same manner in which appeals are taken from justices' courts in like cases.

Sec. 12. In all cases of imprisonment of persons convicted in said police court, and any offense committed in the city, the persons so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or, if required to labor, shall labor in the city.

Sec. 13. Said courts shall have a seal, to be furnished by the city.

SEC. 12. City clerk. The city justice, or city justices, shall, on the first Tuesday of each month, make to the city council a full and complete report of all the cases, civil and criminal, in which the city has an interest or which are required to be entered in the city civil docket or the city criminal docket; such report to be made upon blanks furnished by the city council, and in such form as they may require.

SEC. 13. Certified transcripts of the dockets made by the clerk of the said court or by the city justice holding said court, under the seal of said court, shall be evidence in any court of this state of the contents of said docket and all warrants and other process issued out of said court and all acts done by said court, and certified under its seal shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

SEC. 14. No person shall be eligible to the office of justice of the peace of any city having a population of fifteen thousand inhabitants or over, unless such person has been regularly admitted to practice law before the superior court of the county in which he is elected.

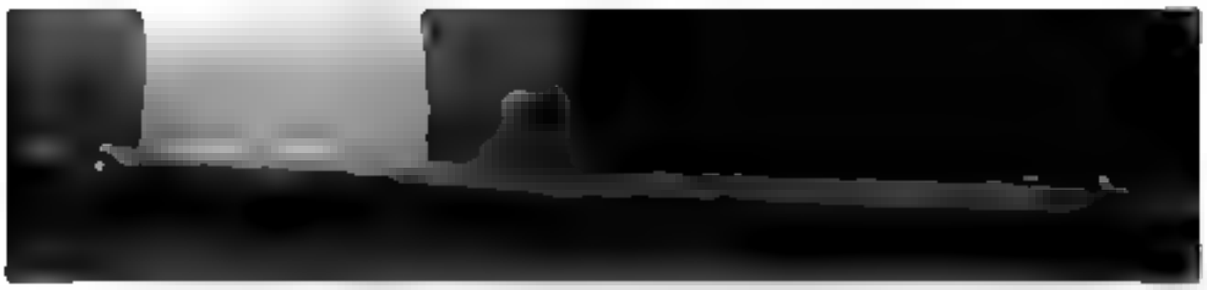
SEC. 15. This act to go into effect upon the expiration of the term of office of the present police judge of said cities, or when a vacancy occurs therein.

An act to amend an act entitled "An act to amend an act entitled 'An act to provide for police courts in cities of thirty thousand and under one hundred thousand inhabitants and to provide for officers thereof' approved March 18, 1889, and to provide for courts of police courts in cities of twenty-six thousand and under fifty thousand inhabitants" approved March 21, 1901, by inserting a new section to be numbered six and one half providing for proceedings in police courts in cities having more than thirty thousand and under fifty thousand inhabitants and prescribing the duties and regulating the compensation of such prosecuting attorneys

[Approved February 27, 1903. Stats. 1903, p. 41.]

SECTION 1. A new section is hereby added to an act entitled "An act to amend an act entitled 'An act to provide for police courts in cities having thirty thousand and under one hundred thousand inhabitants and to provide for officers thereof' approved March eighteenth, eighteen hundred and eighty-nine, and to provide for courts of police courts in cities of twenty-six thousand and under fifty thousand inhabitants" approved March thirty-first, eighteen hundred and one, to be known as section six and one half, to read as follows:

Section 6½. The police court in all cities having more than thirty thousand and less than fifty thousand inhabitants shall have a prosecuting attorney, to be appointed by the district attorney of the county in which said city is situated, who shall hold office for the period of two years from date of his appointment. He shall receive an annual salary of twenty-four hundred ($2,400) dollars, payable in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty



of said prosecuting attorney to attend the sessions of said court, and conduct on behalf of the people all prosecutions for public offenses of which said court has jurisdiction. He shall give a bond in the sum of three thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office.

SEC. 2. This act shall be in force and effect from and after its passage.

An act supplementary of and supplemental to an act entitled "An act to create a police court in and for the city and county of San Francisco, state of California," approved March 3, 1856, and providing for an additional department, to be known as department number four, and the appointment of a suitable person to act as judge of said court.

[Approved February 23, 1858. Stats. 1858, p. 9.]

SECTION 1. There is hereby created and established in and for the city and county of San Francisco, state of California, a court to be known as the "police court of the city and county of San Francisco," which court shall consist of four judges who shall be elected at the general elections held according to law, each of whom shall hold office for the term of two years, any one or more of whom may hold court. The court shall be divided into departments, known as department number one, department number two, department number three and department number four. There may be as many sessions of said court at the same time as there are judges thereof. The judges shall choose from their number a presiding judge, who may be removed at their pleasure. He shall assign the judges to their respective departments; provided, however, that either of the judges may preside in either of the departments in the absence or inability to act of the judge regularly assigned thereto. The judgments, orders, and proceedings of any session of said court held by any one or more of the judges of said court, respectively, shall be equally effectual as if all of the judges of said respective courts presided at such session.

SEC. 2. The police court of the city and county of San Francisco shall have jurisdiction,—

First. Of all violations of city ordinances, or orders of the board of supervisors of the city and county of San Francisco.

Second. Of all misdemeanors punishable by fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Third. Of all cases of felonies committed in the city and county of San Francisco.

Fourth. Said court, or any judge thereof, shall have the same power in all criminal actions, cases, examinations, and proceedings as are now or are hereafter conferred by law upon justices of the peace.

SEC. 3. Proceedings in said court shall be conducted in conformity with the laws of this state regulating proceedings in justices' and police courts, and appeals to the superior courts.

SEC. 4. No person except a licensed attorney of the superior

court of this state shall practice law in said court, provided, however, that a person accused of crime shall have the right to defend himself.

Sec. 5. There shall be appointed for each of the departments of this court, in the manner now provided by law an attorney whose duty it shall be to attend to the prosecution of all cases coming before the department for which he shall have been appointed and who shall receive a salary of two hundred and fifty dollars per month. There shall also be appointed by each of the prosecuting attorneys aforesaid a clerk, who shall receive a salary of one hundred and twenty-five dollars per month whose duty it shall be to be in attendance in the office of the prosecuting attorney from nine o'clock, A. M. to twelve o'clock M., and from two o'clock P. M., to four o'clock P. M. (Sundays and legal holidays excepted) for the transaction of the business of the office.

Sec. 6. There shall be appointed a clerk for each department of this court, in the manner now provided by law, who shall receive a salary of two hundred dollars per month who shall transact the business of clerk of said court as provided by law.

Sec. 7. There shall be appointed by the judge of each department of said court a suitable person to act as bailiff, who shall receive a salary of one hundred dollars per month.

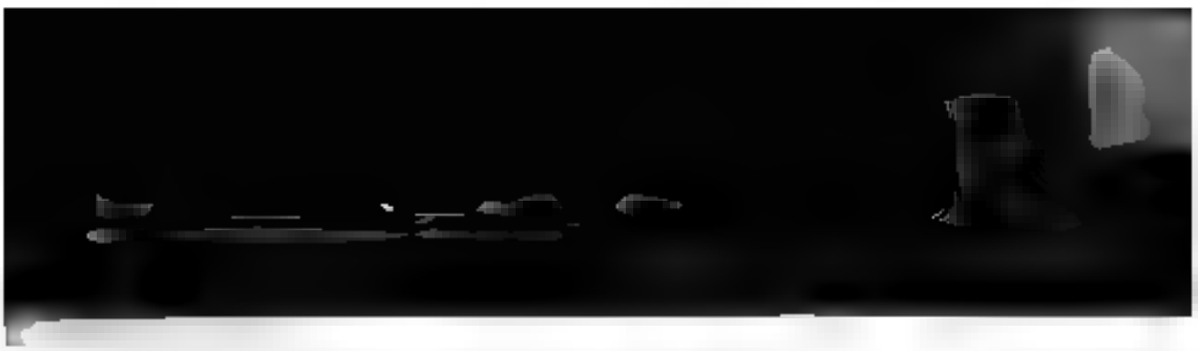
Sec. 8. There shall be appointed by the judge of each department of said court a stenographer who shall receive for his services the pay now allowed by law.

Sec. 9. The chief of police shall appoint one or more police officers to attend constantly each department of said court, to execute the orders and process of said court.

Sec. 10. There shall be appointed a clerk for each department of this court in the manner now provided by law who shall receive a salary of two hundred dollars per month who shall transact the business of clerk of said court as provided by law. The city and county auditor shall prepare and deliver to the clerk of the police court from time to time as many official receipts as may be requested. The auditor shall sign such receipts and deliver them to the clerk receiving them, specifying in the charge the amounts thereof numbered, such official receipts, and the time of receipts respectively taking receipts therefor and said clerk shall countersign the same and upon the payment of any fine imposed by the judge of the police court, he must deliver to the person paying the same an official receipt for the amount of such fine and shall daily pay to the city and county treasurer all moneys so collected or received by him, and shall under oath on the first day of each month, and whenever otherwise required so to do by the auditor, make to the auditor a report of such official receipts presented and used by him during the preceding month and on hand at the time of official business on the last day after the preceding month, and of all moneys so paid by him to the treasurer during the preceding month and shall at such time exhibit to the auditor all unused official receipts, or official receipts not issued remaining in his hands, and the treasurer's receipts

for all moneys paid into the treasury. Whenever any money is deposited with the clerk as bail money, the clerk must deliver to the person depositing such money an official receipt therefor, signed by himself, written upon an official receipt countersigned and furnished for that purpose by the auditor, and shall daily pay to city and county treasurer all moneys so collected or received by him, taking the treasurer's receipt therefor. The said money shall be received and kept by the treasurer as a special deposit, and shall be paid out by him on the order of the judge of the police court, if the bail is exonerated, in the same manner as deposits of money in the custody of the treasurer belonging to estates of deceased persons are paid out. At least one day shall intervene between the deposit of the money with the treasurer and the payment on the order made by the judge of the police court. The treasurer shall be liable on his official bond for the safe keeping and disbursement of all moneys so deposited with him; but nothing contained in this act shall be construed or held to relieve the clerk of the police court from any liability for his acts in relation to moneys collected or received by him. All official receipts must be kept and bound in books containing not more than one hundred such receipts, each receipt and stub thereof bearing a number, beginning with number one in each class for each fiscal year, and numbered in consecutive order. When a receipt is issued or used by the clerk of the police court, the clerk must enter on the stub corresponding with the receipt, the name of the person making the payment of the fine or depositing the money as bail, the offense of which the person was convicted, and the name of the person convicted, or the offense of which the person bailed is charged, and the name of the person bailed, and the date and amount of the payment or deposit. Any person making, issuing or giving a receipt for money received in payment of a fine, or for money deposited as bail, other than the official receipt countersigned and furnished by the auditor, is guilty of a bonny.

Sec. [illegible]. Nothing in this act shall be construed as affecting the three judges at present acting as police judges in the city and county of San Francisco, but they shall continue to be judges of the police court of the city and county of San Francisco and hold office for the length of time for which they were elected, and the said court, when organized, shall have jurisdiction of all cases then pending in the police court of San Francisco as constituted prior to the passage of this act. Within ten days after the passage of this act the governor of the state of California shall appoint a suitable person to act as judge of the police court of the city and county of San Francisco, who shall hold office until the first Monday in January, eighteen hundred and ninety five, and he, together with three judges aforesaid, shall constitute the police court of the city and county of San Francisco, until their successors are elected and qualified according to law. The salary of each of the judges of said court shall be the same as that now paid the judges of "the police court in and for the city and county of San Francisco."



Sec. 12. All salaries mentioned in this act shall be paid in the same manner that the salaries of the other city and county officers are paid.

Sec. 13. All acts and parts of acts that are in conflict with the provisions of this act are hereby repealed.

Sec. 14. This act shall take effect from and after its passage.

4480. Jurisdiction of police court: 76 Cal. 656; 85 Cal. 280; 85 Cal. 631.

High and low misdemeanors, distinction: 76 Cal. 656.

4445. Bonding indebtedness: 58 Cal. 307; 71 Cal. 220.

Bonds for municipal improvement—Legality—Election: 74 Cal. 222; 91 Cal. 549; 80 Cal. 220.

Bona fide holders of municipal bonds: 91 Cal. 549; 98 Cal. 117.

Mandamus to compel issuance of bonds: 91 Cal. 549; 71 Cal. 210.

Mandamus to compel payment of bonds: 55 Cal. 67; 65 Cal. 388; 66 Cal. 455.

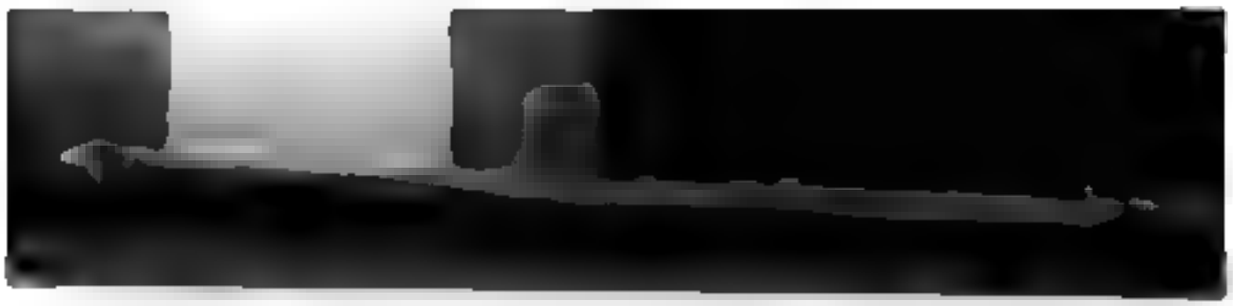
County bonds: See *ante*, sec. 4041, note.

An act to amend an act entitled "An act to authorize the common council, board of trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund the indebtedness, issue bonds therefor, and provide for the payment of the same," approved March 14, 1883.

[Approved March 1, 1889; Stats. 1889, p. 59.]

SECTION 1. That section one of the above-entitled act is hereby amended to read as follows:—

Section 1. That whenever any incorporated city or town, other than cities of the first class, in this state, has an outstanding indebtedness, evidenced by bonds and warrants thereof, the common council, board of trustees, or other governing body thereof, shall have power to submit to the qualified electors of such city or town, at an election to be held for that purpose, the question of refunding such indebtedness. Said election shall be called and held in the same manner in which other elections are held in such city or town. The notice of such election shall recite the indebtedness to be refunded, together with the denomination, character, time of payment, rate of interest, as well as all other details of the bonds proposed to be issued. Such bonds shall be of the character known as "serials," one fortieth of the principal being payable each year, together with interest due on all sums unpaid. Said bonds may be issued in denominations not to exceed one thousand dollars, nor less than one hundred dollars, principal and interest being payable in gold coin or lawful money of the United States, and either at the office of treasurer of such city or town, or at a designated bank situated in the cities of San Francisco, New York, Boston, or Chicago. Interest upon the



same shall not exceed six per cent per annum, and may be payable semi-annually. Said bonds shall be sold in the manner provided by such city council or other governing body to the highest bidder, for not less than their face value, in the same character of money in which they were payable. The proceeds of such sale shall be placed in the treasury to the credit of the funding fund, and shall be applied only for the purpose of refunding the indebtedness for which they have been issued. Said common council or other governing body shall at the time of fixing the general tax levy for each year, and in the same manner for such tax levy provided, levy and collect annually each year sufficient money to pay one fortieth part of the principal of such bonds, and also the annual interest upon the portion remaining unpaid.

Sec. 2. That section two of said act be amended so as to read as follows:

Section 2. Whenever sufficient money is in the funding fund in the hands of the treasurer, to redeem one or more of the outstanding bonds proposed to be refunded, he shall publish once a week for two weeks in some newspaper of general circulation published in such city or town, if there be any, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall at the same time deposit in the post-office a copy of such notice, inclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners of such bond or bonds, at the post-office address of such owner or owners, as shown by the record thereof kept in the treasurer's office. If such bond or bonds are not presented within the time specified in such notice, the interest thereon shall then cease, and the amount due be set aside for the payment of the same whenever presented. All redemption of bonds shall be made according to the priority in the order of their issuance, beginning at the first number. Whenever such outstanding bonds are surrendered and paid, the treasurer shall proceed to cancel the same by indorsing on the face thereof the amount for which they are received, the word "canceled," and the date of cancellation. He shall also keep a record of such bonds so redeemed, and shall make a report of the same to the common council or other governing body of such city or town, at least once a month, accompanying the same therewith by the bonds which have been taken up and canceled.

Sec. 3. That section three of said act be amended so as to read as follows:

Section 3. All moneys which shall remain in said funding fund after all outstanding bonds as were proposed to be refunded have been taken up and canceled shall be paid into the general fund of such city or town, and become a part thereof.

Sec. 4. This act shall take effect and be in force immediately after its passage.

An act to authorize cities of not less than twenty-six thousand nor more than thirty thousand inhabitants, to vote upon the question of paying indebtedness incurred in the years 1889 and 1890.

[Approved February 20, 1891. Stats. 1891, p. 8.]

SECTION 1. The board of trustees or the governing body of all cities of not less than twenty-six thousand nor more than thirty thousand inhabitants are hereby authorized to submit to the qualified electors of such city, at either a general or municipal election in said city, or special election, the question whether or not any indebtedness incurred by or claimed to be due from said city, contracted in the years eighteen hundred and eighty-nine and eighteen hundred and ninety, shall be paid.

SEC. 2. Said board of trustees or other governing body shall specify particularly, in the proclamation for such election, the amount of the claimed indebtedness, and for what services it is claimed to be due, and shall specify, if the election is a special one, the form of ballots to be used by the electors, and the time, place, and manner of holding said election and canvassing the returns thereof and declaring the result thereof. If said question is voted upon at a general or municipal election, the ballots shall contain the words, "For the payment — Yes" and "For the payment — No," in addition to the other matters contained therein.

SEC. 3. If two thirds of the votes cast upon such question vote in the affirmative, the said board of trustees or other governing body shall immediately order paid, as other claims against said city are paid, the said amount so voted, and for that purpose shall be and are hereby authorized to incorporate the said amount in the next tax levy, if the same has not been already levied, for the year in which such election is held, and if such tax levy has been levied, then they shall make a new assessment and levy for the said amount, using the last assessment roll as a basis therefor.

SEC. 4. This act shall take effect and be in force from and after its passage.

4448. Interest on bonds. 87 Cal. 550; 82 Cal. 562, 65 Cal. 602.

Mandamus to compel payment of interest. 82 Cal. 560; 68 Cal. 608.

4479. Laws passed at the same session with the codes. 68 Cal. 315, 71 Cal. 15.

4484. Conflicting sections. — Sections passed at different times: 78 Cal. 207.

COUNTY GOVERNMENT.

An act to amend section one hundred and ninety-seven of an act entitled "An act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, March 17, 1887, and March 16, 1889, relating to the salary of the county officers in the counties of the thirty-fifth class.

[Approved March 14, 1891; Stats. 1891, p. 106.]

SECTION 1. Section one hundred and ninety-seven of an act entitled "An act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three, as amended March fourteenth, eighteen hundred and eighty-five, March eighteenth, eighteen hundred and eighty-five, March seventeenth, eighteen hundred and eighty-seven, and March sixteenth, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:—

197. *Compensation of officers in counties of thirty-fifth class.* In counties of the thirty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, two thousand dollars per annum.
3. The recorder, six hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, six hundred dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, eight hundred dollars per annum, and one deputy, at the option of the board of supervisors, at a salary not exceeding one hundred (100) dollars per month.
8. The district attorney, six hundred dollars per annum.
9. The coroner, *such fees as are now* or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. The supervisors, six dollars per day, not to exceed three hundred dollars per annum, and for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 2. This act shall take effect and be in force from and after April first, eighteen hundred and ninety-one.

An act to establish a uniform system of county and township governments.

[Approved March 31, 1891; Stats. 1891, p. 295.]

SECTION 1. *Counties are bodies corporate and politic.* The several counties of this state as they now exist, and such other counties as may be hereafter organized according to law, are bodies corporate and politic, and as such have the powers specified in this act, and such other powers as are necessarily implied.

SEC. 2. *Who may exercise powers.* Its powers can only be exercised by the board of supervisors, or by agents and officers acting under their authority, or authority of law.

SEC. 3. *Corporate name.* The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

SEC. 4. *Power of county.* It has power, —

1. To sue and be sued.

2. To purchase and hold land within its limits.

3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.

4. To manage and dispose of its property as the interests of its inhabitants may require.

5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

SEC. 5. *Credit not to be loaned.* No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. No county shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for it for such year without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. An indebtedness or liability incurred contrary to this provision shall be void.

SEC. 6. *Liabilities void.* All contracts, authorizations, allowances, payments, and liabilities to pay made or attempted to be made in violation of this act shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county; and all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same.

SEC. 7. *County officers liable on bonds.* All supervisors and any other officer authorizing, or aiding to authorize, or auditing or allowing any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this act shall be liable in person and upon their several official bonds to the person or persons damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his or their claims.

SEC. 8. *District attorney to sue to recover moneys illegally paid.* Hereafter, whenever any board of supervisors shall, without authority of law, order any money paid as a salary, fee, or for any other purposes, and such money shall have been actually paid, or whenever any other county officer

[illegible] thereof, and no order of the board of supervisors therefor shall be necessary to maintain such suit; *and provided further*, that when the money has not been paid on such order or warrants, it is hereby made the duty of the district attorney of such county upon receiving notice thereof, to commence suit, in the name of the county, for restraining the payment of the same; and no order of the board of supervisors shall be necessary in order to maintain such suit.

SEC. 9. *Duty of judge toward grand jury.* It shall be the duty of the superior judge of each and every county, whenever a grand jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to specially note the result of such investigation in their report.

SEC. 10. *Classification of counties.* The several counties of this state are hereby classified, and shall hereafter remain classified, according to their population as ascertained by the federal census taken in the year eighteen hundred and ninety. And hereafter, whenever a new census is taken, the secretary of state shall, as soon as the same shall be officially ascertained by him, certify to the county clerks of the several counties in this state the population of each county as determined by such new census; and on the even-numbered years thereafter, the several counties are, by operation of law, classified thereunder; but such classification shall not [illegible]

and first Monday after the first day of January, in accordance with the new classification.

SEC. 11. *County seats.* The county seats of the respective counties of this state as now fixed by law are hereby recognized as and declared to be the county seats of the respective counties. No county seat shall be removed unless two thirds of the qualified electors of the county voting on the proposition at a general election shall vote in favor of such removal.

SEC. 12. *Removal thereof.* Whenever there shall be presented to the board of supervisors of any county a petition, signed by the qualified electors of such county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the board of supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof; but a proposition of removal of a county seat shall not be submitted in the same county more than once in four years.

BOARD OF SUPERVISORS.

SEC. 13. *Supervisors.* Each county must have a board of supervisors, consisting of five members.

SEC. 14. *Qualification.* Each member of the board of supervisors must be an elector of the district which he represents, and must have been such for at least one year immediately preceding his election, and shall be elected by such district, and not at large.

SEC. 15. *Term of office.* The supervisors elected at the general elections held in the years eighteen hundred and eighty-eight and eighteen hundred and ninety, and every four years thereafter, shall hold office for four years. They shall take their office on the first Monday after the first day of January after their election.

SEC. 16. *Boundaries of districts.* The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the super-

shall be made within the ninety days ne
general election.

SEC. 17. *Vacancies.* Whenever a vacan
board of supervisors of a county, the gov
the vacancy by appointment, and the appo
the office until the election and qualificat
cessor, as hereinafter provided. Whene
occurs in the board of supervisors of a cou
shall order a special election, to be held in
the fifth Tuesday after the vacancy occur
tion of a supervisor for the unexpired term
eral election shall be held within ninety
vacancy occurs; and in such case the elect
visor shall be held at the general election,
cancy for the unexpired term.

SEC. 18. *Chairman.* The supervisors sha
man, who must preside at all meetings of t
in case of his absence or inability to act,
present must, by an order entered on their
one of their number to act as chairman temp
member of the board may administer oaths
when necessary in the performance of his
Not less than three members shall constit
for the transaction of business, but no act
shall be valid or binding unless three me
therein.

SEC. 19. *Clerk.* The county clerk is ex
the board of supervisors

2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the board, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave with the auditor one of said lists, and shall deliver to and leave with the treasurer the other list.

5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file all accounts acted upon by the board.

7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the board all ordinances or laws passed by the board, and to record the same at length in the "ordinance-book."

10. Record all orders levying taxes; and

11. Perform all other duties required by law, or any rule or order of the board.

SEC. 21. *Books to be kept.* The board must cause to be kept, —

1. A "minute-book," in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings.

2. An "allowance-book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "road-book," containing all proceedings and adju-

...book, to be kept by the c
in which must be entered, in the order of dra
rants drawn on the treasury, with their num
ence to the order on the minute-book, with the
on what account, and name of payee.

6. An "ordinance-book," in which must l
ordinances or laws duly passed by the board.

SEC. 22. *Regular meetings.* The board o
must, by ordinance, provide for the holding of r
ings of the board at their respective county s

SEC. 23. *Special meetings.* If at any time
of the county requires a meeting of the boa
meeting may be ordered by a majority of the l
order must be signed by the members calling su
and must be entered in the minutes of the b
days' notice of such meeting must be given by
the members not joining in the order. The
specify the business to be transacted at such sp
ing, and none other than that specified must be
at such special meeting.

SEC. 24. *Meetings to be public.* All meeti
board must be public, and the books, records, a
must be kept at the office of the clerk, open
for public inspection, free of charge.

GENERAL PERMANENT POWERS OF BOA

SEC. 25. *General powers.* The boards of s
in their respective counties, have jurisdiction
under such limi...

prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports, and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within thirty days prior to any election.

4. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the erection of any bridge exceeds the sum of five hundred dollars, they must advertise for bids, together with plans and specifications, strain-sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to and made a part of such contract. And the person or corporation whose plans are adopted, and to whom the contract is awarded, shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that the road commissioners in their respective districts shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

5. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county; erect, officer, and maintain hospitals and poor-houses, in their discretion, therefor, or otherwise provide for the same; and for such purposes to levy the necessary property or poll tax, or both, therefor; *provided*, the board of supervisors shall appoint (not let to the lowest bidder)

some suitable person or persons to take care of and maintain such hospitals and poor-houses, and the board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor.

6. To provide a farm in connection with the county hospital or poor-house, and make regulations for working the same.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

8. To purchase, receive by donation, or lease, any real or personal property or water rights necessary for use of the county; and to purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property must be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then by posting such notice, at least three weeks prior to the time when the board will meet to consummate such purchase, in at least three public places in each supervisor district.

9. To cause to be erected or rebuilt and furnished a court-house, jail, hospital, and such other public buildings as may be necessary; *provided*, that none of the aforesaid buildings shall be erected or constructed until the plans and specifications shall have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least sixty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

10. To sell at public auction, at the court-house door, after thirty days previous notice given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey, to the highest bidder for cash, any property belonging to the county no longer required for public use, paying the proceeds into the county treasury for the use of the county.

11. To examine and audit, at least every six months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the county treasurer therefor.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes, *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

14. The board of supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all members thereof are empowered, if they deem it for the public interest, to fund and refund the same, and issue bonds of the county therefor in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually, which bonds shall be substantially in the following form: —

No. . The county of ——, in the state of California, for value *received, promises to pay* —— ——, or *order, at the office of the treasurer of* said county, in ——, *on the first day of* ——, *eighteen hundred* and ——, or at

any time before that date, at the pleasure of the county, the sum of —— dollars, gold coin of the United States, with interest at the rate of —— per cent per annum, payable at the office of said treasurer, semi-annually, on the first day of —— and —— in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the board of supervisors in conformity with a resolution of said board, dated the —— day of ——, eighteen hundred and ——, and under authority conferred upon said board by the provisions of an act of the legislature of California entitled "An act to establish a uniform system of county governments," approved (insert date of approval of this act).

In testimony whereof, the said county, by its board of supervisors, has caused this bond to be signed by the chairman of the board and attested by the auditor, with the county seal attached, this —— day of ——, eighteen hundred and ——.

—— ——, Chairman of the Board of Supervisors.

Attest: —— ——, Auditor.

And the interest coupon shall be in the following form: —

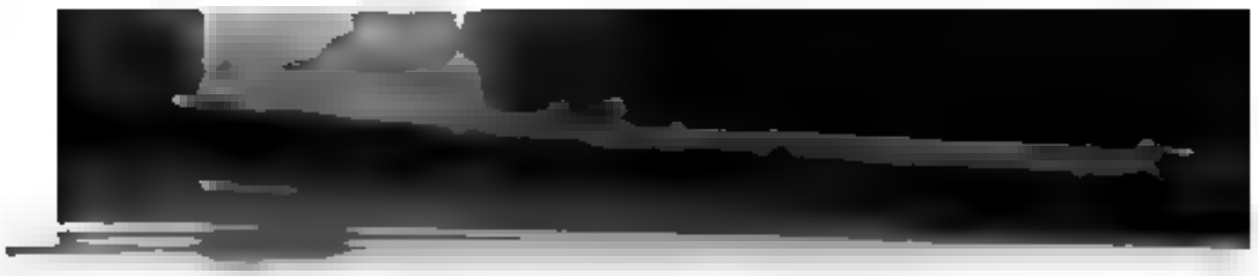
The treasurer of —— County, California, will pay to the holder hereof, on the —— day of ——, eighteen hundred and ——, at his office, in ——, —— dollars, gold coin, for interest on county bond No. ——.

—— ——, County Auditor.

(*b*) Whenever bonds issued under this chapter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the county treasurer and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange them under the direction of the board of supervisors, on the best available terms, for any legal indebtedness of the county outstanding on the first day of January, eighteen hundred and eighty, but in neither case for a less sum than the face value of the bonds and all interest accrued on them at the date of such sale or exchange; and if any portion of such bonds are sold for money, the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the county at and before the date above named.

When they are exchanged for bonds or warrants or other legal evidences of county indebtedness, the treasurer shall at once proceed to cancel the old bonds and such other evidences of indebtedness, by indorsing on the face thereof the amount for which they were received, the word "canceled," and the date of cancellation. He shall also keep a record of bonds sold or exchanged by him, by number, date of sale, amount, date of maturity, the name and post-office address of purchasers, and if exchanged, what evidence of indebtedness was received therefor; which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the treasurer of such sale or transfer, giving at the same time the number of the bonds transferred and his post-office address, and every transfer shall be noted on the record. The treasurer shall also report, under oath, to the board, at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and when exchanged, a list or description of the county indebtedness exchanged therefor and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on bond fund, and so entered by him on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the board of supervisors of said county. No sale shall be made of any such bond except to the highest bidder, after advertising for bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, the right being reserved in such advertisement to reject any and all such bids.

(c) The board of supervisors shall cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this act, accruing before the next annual levy, and such proportions of the principal that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued; at the end of nine years at



least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest; and the money arising from such levies shall be known as the bond fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books a separate and special account thereof, which shall at all times show the exact condition of said bond fund.

(d) Whenever the amount in the hands of the treasurer belonging to the bond fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall notify, by mail, the owner of such bond or bonds that he is prepared to pay the same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bond shall cease, and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his post-office address, as shown by the record kept in the treasurer's office. If said bonds are not so presented, interest shall cease and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the post-office address of the owner, as shown by the record kept in the treasurer's office.

(e) If the board of supervisors of any county which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next

levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

15. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint pound-keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

16. To equalize assessments.

17. To direct and control the prosecution and defense of all suits to which the county is a party, and to employ counsel to assist the district attorney in conducting the same.

18. To insure the county buildings in the name of and for the benefit of the county.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

20. To establish a salary fund, and also such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

21. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term

22. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county, for the particular benefit thereof, the board may fix the boundaries of such district or portion, and levy a tax on the

from the aggregate assessed value of the property in the district as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. Whenever a sanitary district has been formed as is herein provided, it shall then be the duty of the board of supervisors, except counties of the first class, by ordinance, to appoint a "board of health," which shall consist of not less than three persons, and the members of the board shall hold their offices for the term of two years, and shall serve without compensation. The board of health so appointed shall have a general supervision of all the matters appertaining to the sanitary condition of the district, and may make such rules and regulations in relation thereto as are not inconsistent with law. They shall have power, subject to the approval of the board of supervisors, to construct and maintain sewers; and in times of epidemics, to locate and establish pest-houses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in carrying out the provisions of this section must be provided for by the board of supervisors, who may make appropriation therefor out of the sanitary district fund, derived from taxes levied in said district, and to be known as the sanitary district fund.

23. The boards of supervisors of the several counties, cities and counties, in the state shall annually advertise

than is specified in the bid which may be accepted by the board. The board of supervisors shall annually fix the price at which the county shall be supplied with job-printing and blank-books, and also the price of all county advertising; and each county officer shall procure such blank-books, job-printing, and advertising at a price no greater than as so fixed, and certify the bills therefor to the board of supervisors; and in all cases bidders shall estimate by ems or squares for each class or character of work to be done; and no greater price shall be charged for similar work when done by authority of law, whether said work is done for the city, city and county, or for private individuals; *provided*, that a square of advertising shall be two hundred and forty ems nonpareil; *and provided further*, that no supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published, or whose place of business has not been established, in the county for one year or more prior to the time of fixing said prices; *provided*, that said supplies and advertisements shall be procured within the county, when practicable.

24. The board shall cause to be published a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and after each session of the board, a fair statement of all their proceedings.

25. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

26. To adopt a seal for their board, a description and impression whereof must be filed in the office of the county clerk and of the secretary of state.

27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted and carried on in such county, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise.

28. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

29. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

29½. To make regulations for the protection of game and fish; when such regulations are made as provided in this section relating to game and fish, the laws of the state for the protection thereof are suspended in such county.

30. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable for the benefit of the county.

31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

32. To provide for the burying of the indigent dead.

33. To make and enforce, within the limits of their county, all such local, police, sanitary, and other regulations as are not in conflict with general laws.

34. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.

35. To do and perform all other acts and things required by law not in this act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

36. To authorize the district attorney to appoint an assistant district attorney, if, in their judgment, it may be necessary for the proper discharge of the duties of the district attorney, and to allow such assistant district attorney such compensation for his services as they may determine, not to exceed, unless otherwise in this act provided, the sum of fifteen hundred dollars per annum.

37. To appropriate from the general fund of the county, unless otherwise in this act provided, not to exceed, in counties of the first, second, third, and fourth classes, the sum of twenty-five hundred dollars, and in all other counties, the sum of one thousand ($1,000) dollars in any one

year, to aid in or carry on the work of inducing immigration thereto.

38. To regulate and determine the kinds of nets and seines, and the size of the meshes thereof, to be used in fishing.

39. By proper ordinances, to enforce, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as is not in conflict with general laws.

40. To appropriate from the general fund of the county, for the purpose of securing and maintaining an adequate exhibition of the products of such county at the World's Columbian Exposition, to be held in Chicago in the year eighteen hundred and ninety-three, as follows: In counties of the first class, not to exceed fifty thousand dollars; in counties of the second, third, and fourth classes, not to exceed forty thousand dollars; and all other classes in this state of California, not to exceed seven thousand five hundred dollars.

41. To grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

SEC. 26. *Ordinances.* The enacting clause of all ordinances of the board shall be as follows: "The board of supervisors of the county of —— do ordain as follows:" Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "ordinance-book." No ordinance posted by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted

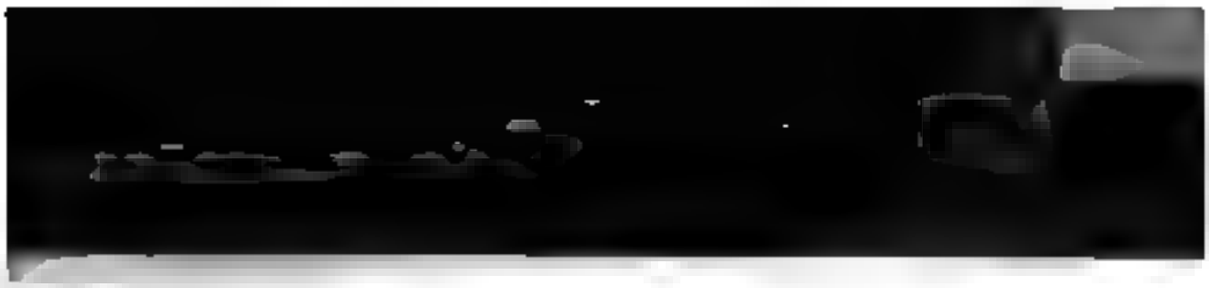
at the court-house door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

SEC. 27. *Sheriff's duties.* The board of supervisors shall have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpœnas, citations, or other process, as directed by the board.

SEC. 28. *Subpœna may issue.* Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer, or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpœna, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness, and such subpœna may contain a clause requiring such person or officer to produce on such examination all books, papers, and documents in his possession, or under his control, relating to the affairs or interests of the county.

SEC. 29. *Service.* It shall be the duty of the sheriff or any deputy sheriff of the county to whom the subpœna may be delivered to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof; and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

SEC. 30. *Powers of committee.* Whenever the board of supervisors shall have appointed any member of their body a committee upon any subject or matter of which the board has jurisdiction, and shall have conferred upon such committee power to send for persons and papers,



the chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the chairman of the board of supervisors.

SEC. 31. *Contempt.* Whenever any person duly subpœnaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, according to the exigency of such subpœna, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

SEC. 32. *Punishment.* On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted, as in case of a witness subpœnaed to appear and give evidence on the trial of a civil cause before a superior court.

SEC. 33. *Witness fees.* The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them reasonable compensation for the expenses of their attendance.

SEC. 34. *Great register.* The board must provide printed copies of the great register, poll lists, poll-books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

contract debts or liabilities, except in p
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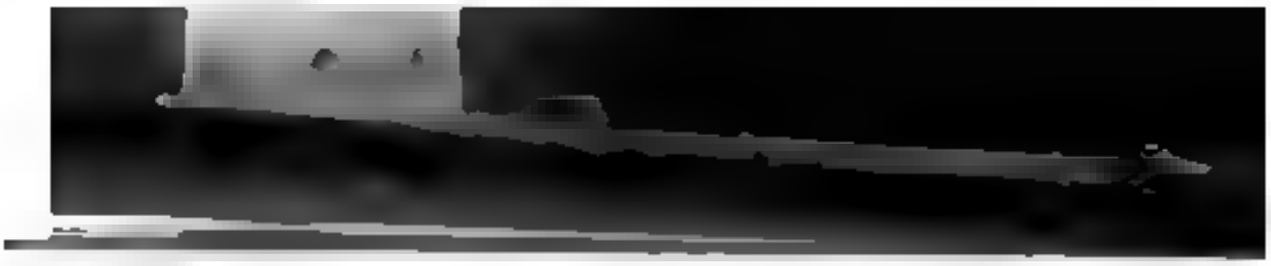
this section shall be null and void, and

contract a bonded indebtedness other than such as is authorized by section twenty-six of this act, as follows: They shall, by order, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which they propose to issue; and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose. If a special election, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held, as nearly as possible, in conformity with the general election law of this state. Notice shall be given of such election, by publication in some newspaper or newspapers published in the county, for four weeks prior thereto. If there be no newspapers so published, then by posting notices, for the same time, in each election precinct in the county, and at the court-house door. The ballots shall be printed, "For the issue of bonds," or "Against the issue of bonds." If two thirds of the electors of the county voting at such election shall vote in favor of issuing bonds, and not otherwise, the board may proceed to issue the amount of bonds specified, in the manner provided in this act for funding the floating indebtedness of the county; and all the provisions of this act relating to the issue and payment of bonds in the latter case shall apply to bonds issued under this section, except that such bonds shall not run for more than twenty years; and the board shall levy the tax necessary to create a sinking fund, for the payment of the principal of said bonds, in each and every year after their issue, until finally paid. The revenue derived from the sale of said bonds shall be applied to the purpose or purposes specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds.

SEC. 38. *Change of plans for buildings.* Whenever the board of supervisors shall have adopted plans and specifications for the erection, alteration, construction, or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner, whereby the cost of such building, bridge,



or structure shall be increased, unless they shall first so order, by a vote of four fifths of their number.

SEC. 39. *Change of contract.* Whenever the board of supervisors shall have entered into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other public structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of four fifths of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration shall be so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board ever pay or become liable to pay for any extra work done on such buildings or public structures.

SEC. 40. *No officer to advocate claims.* No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked in the claim or demand made by any other. Any person may appear before the board and oppose the allowance of any claim or demand made against the county.

SEC. 41. *Claims must be itemized.* The board of supervisors must not hear or consider any claim in favor of any person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates, and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, materials furnished, to whom, and quantity and price paid therefor, duly verified as to its correctness, and that the amount claimed is justly due, is presented to and filed with the clerk of the board within a year after the last item of the account or claim accrued. This section, as to itemizing, shall not apply to services rendered under section one hundred and forty-eight; *provided*, that such services are substantially stated, with their value, and verified as above. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice

be given to the claimant or his attorney of that fact, ıd give time to have the claim itemized and reverified.

Sec. 42. *Filing of claims.* No account must be passed on by the board, unless made out as prescribed in the eeding section, and filed by the clerk at least one day ior to the session at which it is asked to be heard.

Sec. 43. *Part of claim allowed.* When the board find at any claim presented is not payable by the county, or not a proper county charge, it must be rejected, if they nd it to be a proper county charge, but greater in amount an is justly due, the board may allow the claim in part, nd draw a warrant for the portion allowed, on the claim-nt filing a receipt in full for his account. If the claimant unwilling to receive such amount in full payment, the aim may again be considered at the next regular succeed-g session of the board, but not afterwards.

Sec. 44. *Claimant may sue county.* A claimant dissat-fied with the rejection of his claim or demand, or with e amount allowed him on his account, may sue the unty therefor at any time within six months after the nal action of the board, but not afterward; and if, in ch action, judgment is recovered for more than the board lowed, on presentation of a certified copy of the judg-ent, the board must allow and pay the same, together ith the costs adjudged; but if no more is recovered than e board allowed, the board must pay the claimant no ore than was originally allowed.

Sec. 45. *Warrants must specify liability.* Warrants awn by order of the supervisors on the county treasury r the current expenses during each year must specify e liability for which they are drawn, and when they ac-ued, and must be paid in the order of presentation to e treasurer. If the fund is insufficient to pay any war-nt, it must be registered, and thereafter paid in the order registration.

Sec. 46. *Supervisors must not be interested in property ırchased.* No member of the board must be interested, ectly or indirectly, in any property purchased for the e of the county, nor in any purchase or sale of property onging to the county, nor in any contract made by the ard or other person on behalf of the county, for the

erection of public buildings, the opening or improvements of roads, or the building of bridges, or for other purposes.

SEC. 47. *Proceedings where board are interested in franchise.* Whenever an application is made to the board for an order, franchise, or license relating to any toll-road, bridge, ferry, wharf, chute, pier, or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

SEC. 48. *Notices.* All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the court-house door and two other public places in the county

SEC. 49. *May encourage tree-planting.* The board, under such regulations as they may adopt, may encourage the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

SEC. 50. *Assessor's report to state board of equalization.* The board must require the assessor to report to the state board of equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may, by ordinance, direct, and enforce obedience of the assessor thereto by deducting such proportion of his compensation as assessor as to them may seem appropriate, for a failure to comply with the order.

SEC. 51. *Per diem and mileage of board.* All claims against the county presented by members of the board of supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered; and before allowance such claims must be presented to

district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof; if the district attorney declare the claim illegal, he must state specifically wherein it is illegal, and the claim must then be rejected by said board.

SEC. 52. *Clerk's and auditor's annual statements of indebtedness and property.* The board must have prepared by the clerk, and when he is not also auditor, then by that officer and under their direction, prior to their annual meeting for levying taxes, a statement showing,—

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury, and its several funds.

SEC. 53. *Property donated to county.* The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

SEC. 54. *Rafting and floating lumber.* The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams within the county, for use as public highways for rafting and floating lumber, when such streams are not declared by law to be, and are not in fact, navigable for commercial purposes, and provide regulations for the use thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with private rights.

SEC. 55. *Neglect of supervisors.* Any supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently, or corruptly attempts to perform an act as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code forfeits to the

the state, and an elector of the county
ship in which the duties of the office a
provided, that any woman who is of the
years, a citizen of the state, and a resi
or district, shall be eligible to the office
of public schools and school trustee.

SEC. 57. *Officers of county.* The offic
A sheriff, a county clerk, an auditor,
collector, a district attorney, an asses
superintendent of schools, a public ad
oner, a surveyor, the members of the bc
and such other officers as may be pro
vided, that in counties where the board
proper ordinance may so elect, the d
the above-mentioned officers are herel
follows: Sheriff and tax collector, auc
county clerk, auditor, and recorder, cc
corder, county clerk and auditor, trea
lector, public administrator and corone
that in counties where the duties of sai
or may hereafter be consolidated in e
designated, the board of supervisors th
dinance, may elect to separate the dut
and reconsolidate them in any other
vided, or may separate said duties w
tion, and provide that the duties of eac
formed by a separate person, whenever
[illegible] will be best subserv

supervisors of each county, on or before the first Monday in September, eighteen hundred and ninety-one, and thereafter as public convenience shall require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; *provided*, that the board of supervisors shall have power, whenever they may deem it for the good of their county, to allow only one justice of the peace and one constable in any judicial township having a population of less than three thousand inhabitants.

SEC. 59. *Duties, etc., in offices that are united.* When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation affixed to the offices.

SEC. 60. *When officers are elected.* All elective county and township officers (except superintendent of public schools and assessors), except otherwise provided for in this act, shall be elected at the general election to be held in November, eighteen hundred and ninety-two, and every two years thereafter, unless otherwise herein provided, and shall take office at twelve o'clock, meridian, on the first Monday after the first day of January next succeeding their election; supervisors shall be elected as hereinbefore provided. Assessors and superintendents of schools shall be elected at the general election to be held in the year eighteen hundred and ninety-four, and every four years thereafter. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified.

SEC. 61. *Deputies.* Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

SEC. 62. *Use of official name.* Whenever the official name of any principal officer is used in any law conferring

power or imposing duties or liabilities, it includes deputies.

SEC. 63. *Offices at county seat.* All county officers must have their offices at the county seat, and the sheriff, clerk, recorder, auditor, treasurer, and district attorney must keep their offices open for the transaction of business from nine o'clock, A. M., until five o'clock, P. M., non-judicial days excepted.

SEC. 64. *Liability of officers attaches to bond.* Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for non-performance or malperformance of official duties, the liability therefor attaches to the official bond of such officer and to the principal and sureties thereon.

SEC. 65. *Oaths.* Every officer mentioned in section fifty-seven, and his deputies, and every justice of the peace, may administer and certify oaths.

SEC. 66. *Residence.* The following officers must reside at the county seat of their respective counties: The county clerk, auditor, recorder, sheriff, and district attorney.

SEC. 67. *Absence.* A county or township officer shall in no case absent himself from the state for a period of more than sixty days, and for no period without the consent of the board of supervisors of the county.

SEC. 68. *Who may not practice law.* Sheriffs, clerks, and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such.

SEC. 69. *Amount of official bonds.* The board of supervisors of each county in the state shall, on or before the first Monday in September, eighteen hundred and ninety-two, prescribe the amount in which the following county officers must execute official bonds before entering upon the discharge of the duties of their respective offices, viz.: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, coroner, and justice of the peace. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must

execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges if there be more than one, of the superior court. All persons offered as sureties on official bonds shall be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth, in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer.

COUNTY TREASURER.

SEC. 70. *Duties of county treasurer.* The county treasurer must, —

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

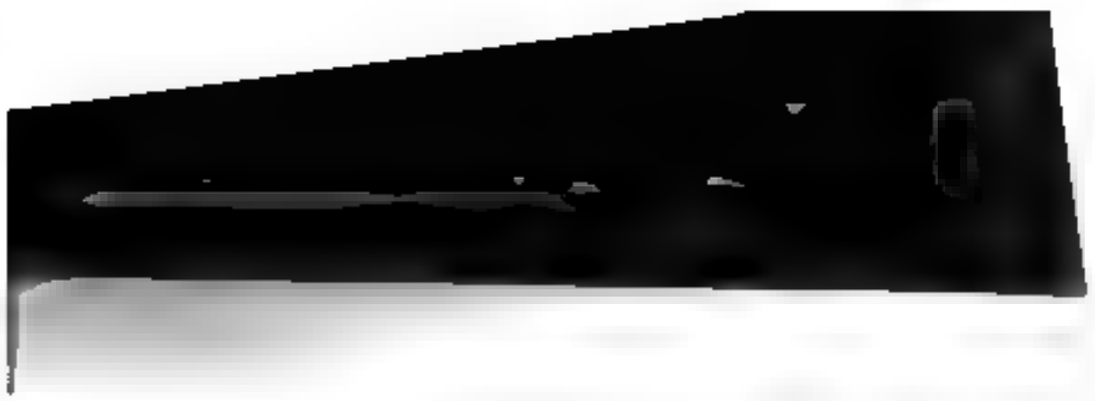
SEC. 71. *When must not receive money.* He must receive no money into the treasury unless accompanied by the certificate of the auditor provided for in section one hundred and fifteen.

SEC. 72. *Receipts.* When any money is paid to the county treasurer, he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

SEC. 73. *"Paid" must be written on warrants when paid.* When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same, and write on the face thereof "paid," the date of payment, and sign his name thereto; *provided, however,* that the treasurer shall not receive, or pay, or indorse any warrant until he shall have received from the clerk of the board of supervisors the certified list mentioned in subdivision four of section twenty of this act, and not then unless a claim or order upon which said warrant is based appears upon such list.

SEC. 74. *"Not paid, for want of funds."* When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse thereon, "Not paid, for want of funds," annexing the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

SEC. 75. *Notice to pay warrants.* When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county; or if none is published therein, then by written notice posted upon the court-house door, stating therein that he is ready to pay



such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

SEC. 76. *Advertising warrants.* In advertising warrants under the provisions of the preceding section in any newspaper, the treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

SEC. 77. *Priority of time.* Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the priority of time in which they were presented. The time of presenting such warrants must be noted by the treasurer; and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary, for the payment of such warrants.

SEC. 78. *On failure to present next in order paid.* Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the treasurer applied to the payment of unpaid warrants next in order of registry. The board of supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of money in the treasury not otherwise appropriated.

SEC. 79. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest distinct from the principal.

SEC. 80. *Monthly settlements — Annual settlement.* The treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatever nature and kind, with the auditor on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the

amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor, annually, on the first Monday of January, in the presence of the supervisors, who have a supervisory control thereof.

SEC. 81. *Report to supervisors.* Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all moneys received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may clearly and distinctly appear.

SEC. 82. *Penalty of refusal.* If any county treasurer neglect or refuse to settle or report, as required in sections eighty and eighty-one, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suits for the recovery thereof.

SEC. 83. *Penalty for district attorney refusing to pay.* If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-six, the county treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages.

SEC. 84. *Failure of coroner, etc., to account.* If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the mean time by the public administrator, or other legal representative of the decedent, as required by section one hundred and fifty, the district attorney must proceed against the coroner, or

justice of the peace acting as coroner, to recover the same by civil action, in the name of the county.

SEC. 85. *Disposition of such money.* The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

SEC. 86. *Legal heirs may claim it within six years.* If the money in the treasury is demanded within six years by the legal representatives of the deceased, the treasurer must pay it to them, after deducting the fees and expenses of the coroner and of the county in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

SEC. 87. *Where treasurer shall keep moneys.* The county treasurer must keep all moneys belonging to this state or to any county of this state in his own possession until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use, the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys, but he shall be liable therefor on his official bond.

SEC. 88. *Suspension from office.* Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

SEC. 89. *Death.* In case of the death of any county treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death all official moneys, books, accounts, papers, and documents which come into their possession.

SEC. 90. *Inspection of books, etc.* The books, accounts, and vouchers of the treasurer are at all times subject to

the inspection and examination of the board of supervisors and grand jury.

SEC. 91. *Counting the money.* The treasurer must permit the chairman of the board of supervisors, district attorney, and auditor, to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

SHERIFF.

SEC. 92. *Process.* "Process," as used in this act, includes all writs, warrants, summons, and orders of courts of the justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any court, board, or officer, or when required by law to be served independently of such proceeding.

SEC. 93. *Duties of sheriff.* The sheriff must, —

1. Preserve the peace.

2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.

3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.

4. Attend all courts, except justices' and police courts, held within his county, and obey their lawful orders and directions.

5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail, and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time of reception.

9. Serve all process and notices in the manner prescribed by law.

under his hand, upon process or notices,
d time of service, or, if he fails to make ser-
e of his failure, and return the same with-

rocess from another county. When process
returnable to another county, he may in-
ess or notice in an envelope, addressed to
m whom the same emanated, and deposit
ffice, prepaying postage.
turn. The return of the sheriff upon pro-
is prima facie evidence of the facts in such

mages. If a sheriff does not return a pro-
n his possession, with the necessary indorse-
without delay, he is liable to the party
he sum of two hundred dollars, and for all
ned by him.
'eglect to execute writs. If the sheriff to
f execution is delivered neglects or refuses,
quired by the creditor or his attorney, the
st been paid or tendered, to levy upon or
ty of the party charged in the writ, which
levied upon and sold, he is liable to the
value of such property.
fusal to pay moneys. If he neglects or re-
r, on demand, to the person entitled thereto,
ch may come into his hands by virtue of his
lucting all legal fees), the amount thereof,
ve per cent damages, and interest at the
cent per month, from the time of demand,
ed by such person.
capes. A sheriff who suffers the escape of
ed in a civil action, without the consent or
the party in whose behalf the arrest or im-
nade, is liable as follows: —
e arrest is upon an order to hold to bail, or
er in exoneration of bail before judgment,
he plaintiff as bail.
e arrest is on an execution or commitment to
ment of money, he is liable for the amount
e execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

SEC. 100. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

SEC. 101. *Return of escape.* An action cannot be maintained against the sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff.

SEC. 102. *Directions in writing.* No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

SEC. 103. *Vacancy declared.* When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

SEC. 104. *Must execute process.* A sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

SEC. 105. *Allow inspection.* The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

SEC. 106. *Court crier.* The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

SEC. 107. *Service on sheriff.* Service of a paper, other than process, upon the sheriff may be made by delivering

it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

SEC. 108. *When coroner acts as sheriff.* When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the sheriff to execute, must be executed by the coroner of the county; *provided*, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

SEC. 109. *Elisor.* Process or orders in an action or proceeding may be executed by a person residing in a county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases: —

1. When the sheriff and coroner are both parties;

2. When either of these officers is a party, and the process is against the other; and

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause would not act promptly or impartially.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases

provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

SEC. 110. The sheriff must perform such other duties as are required by law.

COUNTY CLERK.

SEC. 111. *Duties of county clerk.* The county clerk must, —

1. Take charge of and safely keep or dispose of, according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index — Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment-book," "Page of Minute-book"; also an index, labeled "General Index — Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment-book," "Page in Order-book"; keep an index of the names of persons naturalized.

SEC. 112. He must keep such other records and perform such other duties as are prescribed by law.

COUNTY AUDITOR.

SEC. 113. *Duties of county auditor.* The auditor must draw warrants on the county treasurer in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the board of supervisors; *provided, however*, that the auditor must not draw a warrant on the county treasurer in favor of any person until said auditor shall have received from the clerk of the board of supervisors the certified list mentioned in subdivision four, section twenty, of this act. The auditor must also draw his warrants on the county treasury for all debts and demands against the county, when the amounts are fixed by law, and which are not directed to be audited by some other person or tribunal.

SEC. 114. *Warrants.* All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

SEC. 115. *Accounts.* The auditor must examine and settle the accounts of all persons indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him.

SEC. 116. *Receipts.* The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor must file such receipt, and charge the treasurer with the amount thereof.

SEC. 117. *Warrants to be numbered.* All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by

showing, —

1. The amount of money that ought to be in t
ury.

2. The amount and kind of money actually the

SEC. 120. They must file one of the statemen
office of the county clerk, and the auditor must
maintain the other in his office for at least on
thereafter.

SEC. 121. *Joint statement of auditor and treasur*
auditor and treasurer of each county must, on
Monday in February, May, August, and Novem
at such other times as the board of supervisors
quire, make a joint statement to the board of sup
showing the whole amount of collections (stating
larly the source of each portion of the revenue)
sources paid into the county treasury; the fund
which the same was distributed, and the amount
the total amount of warrants drawn and paid, and
fund; the total amount of warrants drawn and
and accounts or claims audited or allowed and unp
the fund out of which they are to be paid; and, ge
make a full and specific showing of the financial c
of the county.

SEC. 122. The auditor must discharge such othe
as are required by law.

COUNTY RECORDER.

SEC. 123. *Must procure books.* The record-

and must keep all books, records, maps, and papers deposited in his office.

SEC. 124. *Duties of county recorder.* He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in a fair hand, —

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved.
2. Mortgages of personal property.
3. Certificates of marriage and marriage contracts.
4. Wills admitted to probate.
5. Official bonds.
6. Notices of mechanics' liens.
7. Transcripts of judgments which by law are made liens upon real estate.
8. Notices of attachments upon real estate.
9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.
10. Instruments describing or relating to the separate property of married women.
11. Births and deaths; and
12. Such other writings as are required or permitted by law to be recorded.

SEC. 125. *Books that recorder must keep.* Every recorder must keep, —

1. An index of deeds, grants, and transfers, labeled, "Grantors," each page divided into four columns, headed, respectively, "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."
2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively, "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."
3. Two indexes of mortgages, labeled, respectively, "Mortgagees of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively, "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indexes of mortgages, labeled, respectively, "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively, "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indexes of releases of mortgages, labeled, respectively, "Releases of Mortgages of Real Property — Mortgagors," "Releases of Mortgages of Personal Property — Mortgagors," with pages thereof divided into six columns, headed, respectively, "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indexes of releases of mortgages, labeled, respectively, "Release of Mortgages of Real Property — Mortgagees," "Releases of Mortgages of Personal Property — Mortgagees," with pages thereof divided into four columns, headed, respectively, "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled, "Powers of Attorney," each page divided into five columns, headed, respectively, "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled, "Leases — Lessors," each page divided into four columns, headed, respectively, "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled, "Leases — Lessees," each page divided into four columns, headed, respectively, "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled, "Marriage Certificates — Men," each page divided into six columns, headed respectively, "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled, "Mar-

and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him, on the account aforesaid, during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with their said report.

14. Constables, such fees as now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the state of California are or may be made parties; and no claim of any such constable, in excess of said sum of one thousand dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fees collected by every such constable on the account aforesaid shall belong to and be the property of the county in which such constable has been elected or appointed; and each of said constables shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with his said report.

15. Supervisors, one thousand eight hundred dollars per annum.

16. Upon the commencement of any action or proceeding, except in cases otherwise provided by law, the county clerk shall require the plaintiff or party initiating the action to deposit the sum of ten dollars, and the defendant or respondent must, upon *his appearance*, deposit with the clerk the *sum of three dollars, said deposits* to be applied *in payment of costs, and when the same* are exhausted

"When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled, "Notices of Actions," each page divided into three columns, headed, respectively, "Parties to the Action," "Notices — When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled, "Separate Property," each page divided into five columns, headed, respectively, "Names of Married Women," "Names of Their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indexes as are or may be required by law.

23. An index of decrees of distribution in probate, labeled, "Decrees of Distribution," divided into six columns, headed, respectively, "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

SEC. 126. *Certificates of sales.* The recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sale of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

SEC. 127. *Decrees affecting title.* The recorder must file and record with the record of deeds, grants, and transfers certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is recorder.

SEC. 128. *Notice thereby.* Every such certified copy of partition, from the time of filing the same with the recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lien-holders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

SEC. 129. *Indexes.* The recorder may keep in the same volume any two or more of the indexes mentioned in sec-

tion one hundred and twenty-five; but the several indexes must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indexes kept therein. The names of the parties in the first column in the several indexes must be arranged in alphabetical order, and when a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, may be inserted in the index.

SEC. 130. *Indorse time of reception.* When any instrument, paper, or notice authorized by law to be recorded is deposited in the recorder's office for record, the recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as to the time when the same was received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

SEC. 131. *Book and page.* He must also indorse upon each instrument, paper, or notice the time when, the book and pages in which it is recorded, and must thereafter deliver it up, upon request of the party leaving the same for record, or to his order.

SEC. 132. *Must search records.* It shall be the duty of the recorder, upon the application of any person, and upon the payment or tender of the fees therefor, [to] make searches for conveyances, mortgages, and all other instruments, papers, or notices recorded or filed in his office, and furnish a certificate thereof, stating the names of the parties to such instruments, papers, and notices, the date thereof, the year, month, day, hour, and minute they were recorded or filed, the extent to which they purport to affect the property to which they relate, and the books

or notice within a reasonable time af
same; or

2. Records any instrument, papers, or
or negligently, untruly, or in any othe
hereinbefore directed; or

3. Neglects or refuses to keep in his o
as are required by this article, or to mal
tries therein; or

4. Neglects or refuses to make the
give the certificate required by this ar
searches or certificates are incomplete
any important particular affecting the pr
to which the search is requested; or

5. Alters, changes, or obliterates any
in his office, or inserts any new matter
liable to the party aggrieved for three ti
of the damages which may be occasioned

SEC. 134. *Fees in advance.* He is not
any instrument, or file any paper or m
any copies, or to render any service con
office, until his fees for the same, as prescri
if demanded, paid or tendered.

SEC. 135. *Books, etc., open for inspection*
record, maps, charts, surveys, and other
the recorder's office, must, during office ho
inspection of an person who may desire t
and may be inspected without charge: a

1. Attend the superior court, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and, for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases therein on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought against the state or his county, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month, file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion, in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

7. Keep a register of official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially, and of the proceedings therein; and

8. Perform such other duties as are prescribed by law.

SEC. 137. *Legal adviser of supervisors.* The district attorney is the legal adviser of the board of supervisors. He must attend their meetings when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

SEC. 138. *Must not advocate another's claim.* The district attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

COUNTY SURVEYOR.

SEC. 139. *Duties of county surveyor.* The surveyor must make any survey that may be required by the order of court, the board of supervisors, or upon application of any person, keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field-notes and calculations of each survey; indorse thereon its proper number, a copy of which, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law.

SEC. 140. *Where county line is division line.* Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situated, and on such application being made, the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

SEC. 141. *Same.* When land, the title of which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated.

SEC. 142. *True meridian.* In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

SEC. 143. *Chain-men and markers.* If a party for whom a survey is made does not furnish the chain-men and markers, the surveyor may employ the necessary chain-men and markers, and receive the reasonable hire of all assistants necessarily employed.

SEC. 144. *Assist surveyor-general.* Each county surveyor must, when required, aid and assist the surveyor-general in making surveys within the county.

SEC. 145. *When county surveyor is interested.* When the county surveyor is interested in any land the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some d[illegible]

terested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the county surveyor would be entitled to for similar service.

SEC. 146. He must perform such other services as may be required of him by law.

COUNTY CORONER.

SEC. 147. *Duties of county coroner.* The coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner or other officer holding the inquest upon the body of a deceased person may subpœna a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the superior courts of this state; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

SEC. 148. *Burial of body.* When an inquest is held by the coroner, and no other person takes charge of the body of the deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

SEC. 149. *Coroner's register.* It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

SEC. 150. *Must deliver to county treasurer, or proper party, all moneys.* The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing, —

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

SEC. 151. *Justice of peace may act.* If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority and subject to the same obligations and penalties as the coroner.

SEC. 152. In the cases specified in section one hundred and eight, the coroner must discharge the duties of sheriff.

SEC. 153. *Assessor.* The assessor must perform such duties as are prescribed in title nine, part three, of the Political Code.

SEC. 154. *Tax collector.* The tax collector must perform such duties as are prescribed in title nine, part three, of the Political Code.

SEC. 155. *School superintendent.* The school superintendent must perform such duties as are prescribed in title three, part three, of the Political Code.

SEC. 156. *Public administrator.* The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure.

SEC. 157. *Register of public administrator.* It shall be the duty of the public administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary

to give a full and complete history of each estate administered by him.

SEC. 158. *Constables.* Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are allowed by law, except when in conflict with section one hundred and sixty-three of this act, or as otherwise provided for in this act.

SEC. 159. *Duties and powers.* All provisions of sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, except the fourth and sixth subdivisions of section ninety-three, apply to constables, and govern their powers, duties, and liabilities.

SEC. 160. *Justices.* Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

SEC. 161. *Monthly salaries.* The salaries of officers must be paid monthly from the salary county fund of the treasury, on the warrant of the auditor.

SEC. 162. *Classification of counties.* For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this state are hereby classified, and shall hereafter remain classified, according to their population as ascertained by the federal census taken in the year eighteen hundred and ninety, as follows, to wit: —

All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand inhabitants shall belong to and be known as counties of the second class.

Counties containing a population of over ninety thou-

thousand and under forty thousand inhabita
long to and be known as counties of the sixth
Counties containing a population of ove
thousand five hundred and under thirty-f
shall belong to and be known as counties of
class
Counties containing a population of ove
thousand and under thirty-two thousand t
shall belong to and be known as counties o
class.
Counties containing a population of over t
thousand and under thirty thousand shall b
be known as counties of the ninth class.
Counties containing a population of over
thousand and under twenty-eight thousand sh
and be known as counties of the tenth class.
Counties containing a population of over
thousand and under twenty-five thousand sha
and be known as counties of the eleventh class
Counties containing a population of over t
thousand and under twenty-four thousand sh
and be known as counties of the twelfth class.
Counties having a population of over twen
and under twenty-three thousand shall belon
known as counties of the thirteenth class.
Counties having a population of over ninete
and under twenty thousand shall belong to an
as counties of the fourteenth class.

nine hundred and under eighteen thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of over seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of over seventeen thousand and under seventeen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of over sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class.

Counties having a population of over sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class.

Counties having a population of over fifteen thousand seven hundred and under sixteen thousand shall belong to and be known as counties of the twenty-first class.

Counties having a population of over fifteen thousand and under fifteen thousand seven hundred shall belong to and be known as counties of the twenty-second class.

Counties having a population of over fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty-third class.

Counties having a population of over thirteen thousand five hundred and eighty and under fourteen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of over thirteen thousand five hundred and under thirteen thousand five hundred and eighty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of over thirteen thousand and under thirteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of over twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of over twelve thousand one hundred and sixty and under twelve thousand five hundred shall belong to and be known as counties of the twenty-eighth class.

eighty and under ten thousand three hundred sh
to and be known as counties of the thirty-first c

Counties having a population of over ten thou
seventy and under ten thousand and eighty sha
to and be known as counties of the thirty-second

Counties having a population of over ten thou
thirty and under ten thousand and seventy sha
to and be known as counties of the thirty-third

Counties having a population of over nine thou
hundred and under ten thousand shall belong
known as counties of the thirty-fourth class.

Counties having a population of over nine
eight hundred and under nine thousand nine
shall belong to and be known as counties of the t
class.

Counties having a population of over nine th
hundred and under nine thousand eight hundre
long to and be known as counties of the thirty-s

Counties having a population of over nine tho
under nine thousand six hundred shall belong
known as counties of the thirty-seventh class.

Counties having a population of over eight tho
hundred and under nine thousand shall belong
known as counties of the thirty-eighth class.

Counties having a population of over eight
and under eight thousand five hundred shall bel
be known as counties of the thirty-ninth class.

Counties having a population of over seven

Counties having a population of over six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of over five thousand four hundred and under six thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of over five thousand and under five thousand four hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of over four thousand nine hundred and eighty and under five thousand shall belong to and be known as counties of the forty-fifth class.

Counties having a population of over four thousand nine hundred and thirty and under four thousand nine hundred and eighty shall belong to and be known as counties of the forty-sixth class.

Counties having a population of over four thousand and under four thousand nine hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of over three thousand seven hundred and eighty and under four thousand shall belong to and be known as counties of the forty-eighth class.

Counties having a population of over three thousand seven hundred and under three thousand seven hundred and eighty shall belong to and be known as counties of the forty-ninth class.

Counties having a population of over three thousand five hundred and under three thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of over two thousand five hundred and under three thousand shall belong to and be known as counties of the fifty-first class.

Counties having a population of over two thousand and under two thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of over six hundred and under two thousand shall belong to and be known as counties of the fifty-third class.

SEC. 163. *Salaries in counties of first class.* In the counties of the first class, the officers shall receive, as compen-

1. The county clerk, three thousand six
per annum.

2. The sheriff, four thousand dollars per

3. The recorder, three thousand six hund
annum.

4. The auditor, three thousand six hund
annum.

5. The treasurer, three thousand six h
per annum.

6. The tax collector, three thousand six h
per annum.

7. The district attorney, four thousand
num.

8. The assessor, three thousand six hund
annum.

9. The coroner, such fees as are now or
be allowed by law.

10. The public administrator, three thous
annum.

11. The superintendent of schools, thre
lars per annum.

12. The surveyor, such fees as are now o
be allowed by law.

13. Justices of the peace, such fees as
be hereafter allowed by law; *provided*, th
the peace shall receive more than one thou
annum, which may be paid in monthly ins
[illegible] eighty-three and one third dol

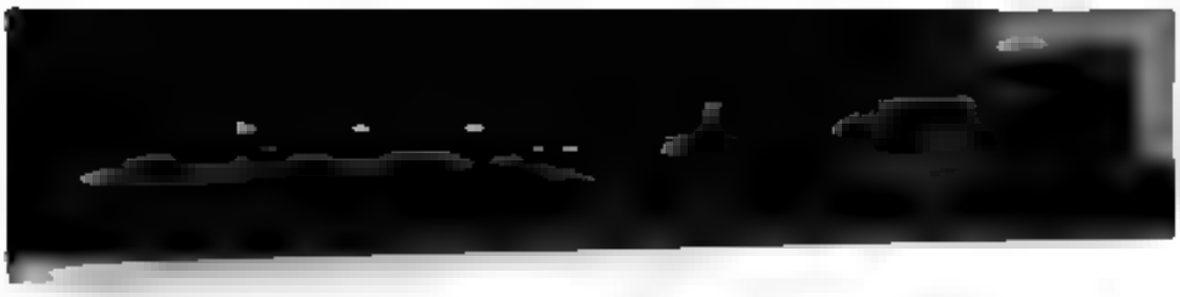
said be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him on the account aforesaid, during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with their said report.

14. Constables, such fees as now or may be allowed by law; *provided*, that no constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the state of California are or may be made parties; and no claim of any such constable, in excess of said sum of one thousand dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fees collected by every such constable on the account aforesaid shall belong to and be the property of the county in which such constable has been elected or appointed; and each of said constables shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with his said report.

15. Supervisors, one thousand eight hundred dollars per annum.

16. Upon the commencement of any action or proceeding, except in cases otherwise provided by law, the county clerk shall require the plaintiff or party instituting the action to deposit the sum of ten dollars, and the defendant or respondent must, upon his appearance, deposit with the clerk the sum of three dollars, said deposits to be applied on payment of costs, and when the same are exhausted

a further deposit must be required by the clerk. Any money so deposited, and remaining after judgment and payment of all costs chargeable against the party who has deposited the same, to and including the entering, docketing, and recording of the judgment, shall, on demand, be returned to the party who has advanced it; *provided*, that every party appealing from any judgment or order of a justice of the peace or police court shall deposit the sum of five dollars with the clerk, to be held by him, and in all respects treated the same as the other deposits above mentioned. The county clerk shall charge and collect the following fees and charges for and on behalf of the county, to wit: For entering suit in the registry, and making necessary entries during the progress of the suit, to the final determination thereof, for the first folio, twenty-five cents; for each subsequent folio, twenty-five cents; for issuing every writ or process under seal, except the writ of habeas corpus, twenty-five cents; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, ten cents; for entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for taking justification thereto, twenty-five cents; for taking testimony on justification to undertaking on bond, for each folio, ten cents; for taking acknowledgment of an instrument, to include all writing and the seal, for first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court, as required by law, for each name, ten cents; for filing and entering papers on transfer of cases to other courts, including certificates of order of transfer, one dollar and fifty cents; searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justice's court, for each case, one dollar and fifty cents; all subsequent services rendered on such appeal shall be charged for at the rates above provided for similar service; for issuing letters testamentary, or of administration, or of guardianship, twenty-five cents; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, unless such notice is prepared by the



petitioner, or his attorney therein, twenty-five cents; for calling and swearing every jury or venire, twenty-five cents; for calling and swearing every jury to try cause, twenty-five cents; for receiving and entering verdict of jury, fifty cents; for entering final judgment, for first folio, fifty cents; for each subsequent folio, ten cents; for making up and filing judgment roll, fifty cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, ten cents; for every certificate under seal, twenty-five cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witness during trial (to be paid by party requiring the same), for each folio, twenty cents; for issuing execution or other final process under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, ten cents; for receiving and filing every remittitur from supreme court, and accompanying papers, twenty-five cents; for taking and approving each undertaking or bond, twenty-five cents; for recording wills or other papers required by law to be recorded, for each folio, ten cents; *provided, however*, that in all cases where the value of the estate of a decedent does not exceed one thousand dollars, the total fees collected by such clerk from the estate, the administratrix, executor, or legal representative shall not exceed ten dollars; and when such appraised value is more than one thousand dollars, and not over five thousand dollars, the total fees collected from the estate, the administrator, executor, or legal representative shall not exceed twenty dollars. All fees and charges received or collected by such clerk shall belong to and be the property of the county, and be paid into the county treasury thereof by said clerk on the first Monday of each month. The county recorder shall charge and collect the following fees and charges for and on behalf of the county, to wit: For recording any instrument or notice, except maps or plats, ten cents for each folio of one hundred words; for indexing any instrument, paper, or notice, fifteen cents for each name indexed;

for copies of any record or paper, ten cents per folio; for filing any instrument for record and making the necessary entries thereon, ten cents; for each certificate under seal, fifty cents; for each entry of discharge of mortgage, or other instrument, on margin of record, and entry thereof on index, fifty cents; for searching records or files in his office, fifty cents for each year; for abstract of title, fifty cents for each conveyance or encumbrance certified; for recording any plat or map of a rectangular subdivision into lots and blocks, five cents for each course or line, and twenty-five cents for each folio of figures, letters, and characters; for recording any other plat or map, ten cents for each course or line, and twenty-five cents for each folio; for taking acknowledgments, including seal, fifty cents for the first signature, and twenty-five cents for each additional signature; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording each mark or brand, and making the necessary search preliminary to each record, three dollars; for filing, indexing, and keeping each paper not by law required to be recorded, one dollar; for reporting assignment of certificate of purchase of state lands, fifty cents. All fees and charges received or collected by such recorder shall belong to and be the property of the county, and be paid into the county treasury thereof by said recorder on the first Monday of each month.

17. The board of supervisors shall allow the several officers mentioned in this section such deputy or deputies, assistant or assistants, as may be necessary to properly transact the business of their respective offices, in connection with the principal, at such salary as the board may deem reasonable, not to exceed, except as in this subdivision provided, for each assistant or deputy, the sum of one hundred dollars per month; *provided*, that the board of supervisors shall have the power to allow the county clerk one chief deputy, at a salary, to be fixed by said board, not to exceed two hundred dollars per month; also, one deputy to act as clerk of the board of supervisors, at a salary, to be fixed by said board, not to exceed one hundred and fifty dollars per month; also, one register clerk, at a salary, to be fixed by said board, not to ex-

ceed one hundred and fifty dollars per month; also, six clerks to act as clerks of the departments of the superior court, at a salary, to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the sheriff an under-sheriff, at a salary, to be fixed by said board, not to exceed two hundred dollars per month; *provided further*, that the board of supervisors may allow the recorder one chief deputy, at a salary, to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the auditor one chief deputy, at a salary, to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the assessor one chief deputy, at a salary, to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the treasurer one book-keeper, at a salary, to be fixed by said board, not to exceed one hundred and fifty dollars per month; *provided further*, that the board of supervisors may allow the tax collector one chief deputy, at a salary, to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the superintendent of schools one assistant, at a salary, to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the district attorney an assistant, at a salary, to be fixed by the board, not to exceed two hundred dollars per month; also, one chief deputy, at a salary not to exceed one hundred and seventy-five dollars per month; also, one deputy, at a salary not to exceed one hundred and fifty dollars per month; also, three deputies, at a salary not to exceed one hundred dollars per month, and no other or further assistant or deputy attorneys shall be allowed by said board to said district attorney; *provided*, that nothing herein contained shall be construed to prevent said board from employing special counsel, when, in the judgment of said board, the interests of said county require it. All salaries provided for in this section, whether for principal, assistant, chief dep-

uty, or deputy, shall in each case constitute a county charge. This section, and all parts thereof, shall, except as to the salaries of county officers, apply to present incumbents, in all the counties which, under the provisions of this act, are entitled to become second-class counties in eighteen hundred and ninety-two and ninety-three, as provided for in section ten hereof, including all deputies and assistants herein provided for, justices of the peace, and constables, and shall go into effect upon the passage of this act.

SEC. 165. *Third class.* In counties of the third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, thirteen thousand dollars per annum.
2. The sheriff, fifteen thousand dollars per annum.
3. The recorder, fifteen thousand dollars per annum.
4. The auditor, four thousand dollars per annum.
5. The treasurer, five thousand five hundred dollars per annum, whose office hours shall be from nine o'clock, A. M., to four o'clock, P. M.
6. The tax collector, eight thousand dollars per annum.
7. The assessor, fourteen thousand dollars per annum.
8. The district attorney, six thousand five hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, forty-five hundred dollars per annum; *provided*, that the office of such official in the court-house be kept open the same as the other public offices of the county.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, a salary to be fixed by the board of supervisors, and paid monthly out of the salary fund, as the salaries of county officers are paid, such salary to be in full compensation for all services of every kind, nature, or description required of them by law in criminal

cases. Each justice of the peace must keep a book, open to the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases; and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person) into the county treasury, for the benefit of the county; *provided*, that said justices of the peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

14. Constables, a salary to be fixed by the board of supervisors, and paid monthly out of the salary fund, as the salaries of the county officers are paid, such salary to be in full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases.

15. Supervisors, one thousand five hundred dollars per annum, and ten cents a mile in traveling to and from their residences to the county seat, or in the performance of duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board, only two mileages shall be allowed for each month. Claims for mileage shall be allowed and paid as other claims against the county.

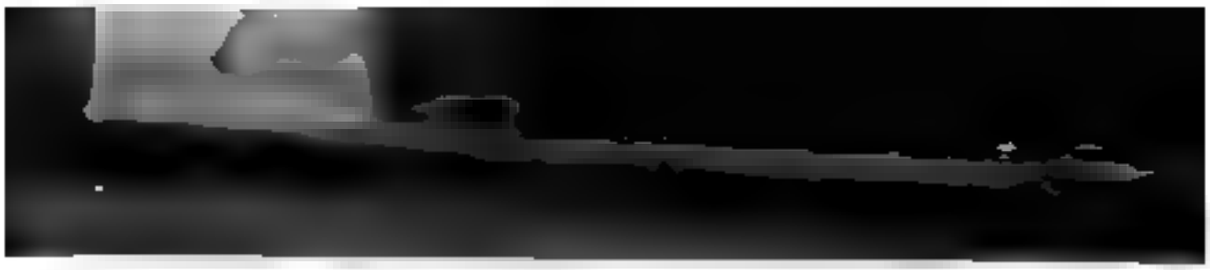
SEC. 166. *Fourth class.* In counties of the fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, eight thousand dollars per annum.

2. The sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive, as additional compensation, the mileage collected by him in criminal cases, where the same is not a charge against his county.

3. The recorder, sixty-five hundred dollars per annum.

4. The auditor, two thousand dollars per annum.



5. The treasurer, four thousand dollars per annum.

6. The tax and license collector, four thousand dollars per annum for the combined office.

7. The assessor, nine thousand five hundred dollars per annum.

8. The district attorney, three thousand two hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that no justice of the peace shall be paid more than two thousand dollars in any one year; *and provided further*, that any justice of the peace who collects for the fees of his office more than two thousand dollars per annum may appoint some suitable person as a clerk of his court, at a salary not to exceed fifty dollars per month, to be paid out of the fees collected by said justice; all other fees collected by such justice of the peace, after deducting the amount hereby allowed for his own services and the services of the clerk of his court, shall be paid over to the county treasurer of said county.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one constable shall receive more than one hundred and twenty-five dollars in any one month, or twelve hundred dollars in any one year, for services in criminal cases.

15. Supervisors, twelve hundred dollars each per annum, and five hundred dollars per annum as road commissioners.

SEC. 167. *Fifth class.* In counties of the fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, six thousand dollars per annum.

2. The sheriff, nine thousand dollars per annum, and such fees and mileage as are now or hereafter may be pro-

vided by law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken.

3. The recorder, four thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum, and the fees for making and executing tax deeds.

7. The assessor, six thousand dollars per anuum.

8. The district attorney, thirty-six hundred dollars per annum.

9 The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, seventy-five dollars per month, and ten cents per mile in traveling to and from county seat; *provided*, mileage shall not be allowed oftener than once in each month; *provided further*, that the superintendent of schools, outside of his regular salary, shall be allowed his necessary traveling expenses, including mode of travel and hotel bills, in visiting public schools throughout the county,

not exceeding three hundred dollars per annum, said amount to be allowed by the board of supervisors and paid as other county charges.

SEC. 168. *Sixth class.* In counties of the sixth class county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, six thousand five hundred dollars per annum.
3. The recorder, two thousand five hundred dollars per annum.
4. The auditor, one thousand five hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand five hundred dollars per annum.
9. The superintendent of public schools, two thousand five hundred dollars per annum.
10. The public administrator, nine hundred dollars per annum.
11. The coroner, five hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage shall not exceed twenty-five cents per mile, counting one way only.
15. Supervisors, five dollars per day, and twenty-five cents per mile in going from their residence to the county seat, at each meeting of the board.
16. Whenever the duties of the county clerk, county recorder, county assessor, county auditor, county treasurer, sheriff, superintendent of schools, or the tax collector are too great to be performed by such officer, such officers may, respectively, by written appointment, to be filed in the offices of the county clerk and county auditor,

appoint as many deputies as may be necessary for the due discharge of the duties of such office, and fix the salary of each of such deputies at a sum not exceeding one hundred dollars per month, excepting the chief deputy of the county clerk, whose salary shall be one hundred and fifty dollars per month, which shall be paid by the county; *provided*, that the appointment of such deputies, or of either or of any thereof, may be revoked by the board of supervisors whenever said board shall be satisfied that the services of such deputy or deputies are no longer reasonably necessary to the due discharge of the duties of such office or offices.

17. Each county and township officer shall be responsible on his official bond for the official acts of each of his deputies; and may, at his own pleasure, revoke the appointment of any of said deputies.

18. In counties of this class there shall be an assistant district attorney and a deputy district attorney, to be appointed by the district attorney of said county, and to remain in office during the pleasure of the district attorney thereof. The salary of the assistant district attorney herein provided for is hereby fixed at the sum of eighteen hundred dollars per annum; the salary of the deputy district attorney herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum. The salary of each of the officers herein provided for shall be paid in equal monthly installments, at the same time and in the same manner as the salaries of the other county officers.

SEC. 169. *Seventh class.* In counties of the seventh class the county officers shall be as follows, and shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand dollars per annum; chief deputy clerk, twelve hundred dollars per annum; two deputy clerks, nine hundred dollars each per annum.

2. The sheriff, two thousand dollars per annum; under-sheriff, fifteen hundred dollars per annum; three deputy sheriffs, one of whom shall be jailer, nine hundred dollars each per annum.

3. The recorder, fifteen hundred dollars per annum;

chief deputy recorder, twelve hundred dollars per annum; two copyists, six hundred dollars each per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, eighteen hundred dollars per annum; six deputy assessors, at three hundred dollars each per annum.

8. The district attorney, twenty-four hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables shall receive, for their own use and benefit, the following fees, which shall be in full of all compensation for such service as is now or may be hereafter required of them by law: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar; for his trouble and expense in taking possession of and preserving property under attachment or execution, or other process, as the court shall order (*provided*, no more than two dollars per diem shall be allowed to a keeper), three dollars; for taking a bond or undertaking in any case he is authorized to take the same, fifty cents; for copy of any writ or process, or other paper, when demanded or required by law, for each folio, fifteen cents; for serving every notice, rule, or order, twenty-five cents; for advertising property for sale under execution or any judgment or order of sale, exclusive of the cost of publication, each fifty cents; for serving a writ of possession or restitution, putting a per-

ons in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all service in the matter, except mileage, two dollars; for serving subpœnas, for each witness served, twenty-five cents; for traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold an inquest or trial of the right of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, to the most distant point where service is made, thirty cents; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service; for commissions for receiving and paying over money on execution or other process, when lands or other personal property have been levied on or sold, on the first one hundred dollars, two per cent, and on all sums above that amount, one per cent; for executing a certificate of sale, fifty cents. The fees herein allowed shall be collected from the judgment debtor; for making every arrest in a criminal action, other than on a charge of felony, one dollar; for making every arrest on a charge of felony, one dollar and fifty cents, for summoning a jury of twelve or less persons, two dollars; for each extra juryman over and above twelve, twenty-five cents; for every mile necessarily traveled in executing any warrant of arrest, serving subpœnas, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any court, to the most distant point within the constable's own county, thirty cents; *provided*, that when two or more persons or two or more papers in the same case are served at the same time, or in the same direction, or on the same trip, but one mileage shall be charged, to the most distant point of service; for conveying a prisoner, when under arrest, the necessary expense actually paid for the transportation of the prisoner. Constables shall not make any arrest or serve any paper

in a criminal case on any person outside of their own county without first obtaining the written consent and order of the district attorney of their county to do and perform such service as aforesaid.

15. Supervisors, for all services required of them by law or by virtue of their office, must be allowed six dollars ($6) per day, and thirty cents per mile, in traveling from their place of residence to the court-house; *provided*, that only one mileage must be allowed at each term; *and provided further*, that no supervisor must be allowed more than one day's pay for any one day by reason of his being on the committees appointed by the board of supervisors, or for any other cause; *provided*, that in no case shall the per diem of the supervisors exceed eight hundred dollars ($800) each in one year.

SEC. 170. *Eighth class.* In counties of the eighth class the county and township officers thereof shall receive, as compensation for the services required of them by law or by virtue of their office, the salaries as follows, to wit:—

1. The county clerk, three thousand dollars per annum.
2. The sheriff, eight thousand dollars per annum.
3. The recorder, three thousand dollars per annum.
4. The auditor, two thousand dollars per annum.
5. The treasurer, two thousand five hundred dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, thirty-six hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, two thousand dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum for all services rendered by him in

criminal cases, or in actions or proceedings in which the people of the state of California are or may be parties, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month: and no claim of any such justice of the peace in excess of the sum last named shall be allowed or paid, but all fees collected by such justice in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which such justice exercises his jurisdiction.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the state of California are or may be parties, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month; and no claim of any such constable in excess of the sum last named shall be allowed or paid, but all fees collected by such constable in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which said constable acts; *and provided further*, that the board of supervisors, in all cases where any township is partially or wholly embraced within the corporate limits of any incorporated city of over five thousand inhabitants (and said board may at any time determine such population), may, whenever they deem it necessary, allow each of the constables of such township a deputy, or such number of deputies as in the judgment of the said board of supervisors may be required to do and perform the business of such office in connection with the principal, and allow each of said deputies a salary therefor, not to exceed eighty dollars per month to each deputy; *provided further*, that an affidavit shall first be filed by such officer with the said board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer.

15. The supervisors, six dollars per day for each day employed, together with twenty-five cents per mile, traveling from their residence to the county seat; *provided*, that from and after the passage of this act, no supervisor shall

receive more than six days' compensation in any one month, whether for services rendered as supervisor or road commissioner, unless the board of supervisors pass a resolution that further time is required (stating the amount) in which to transact the business of the county for such month, which resolution must be in writing and presented to the district attorney for his approval or disapproval, which must be indorsed thereon; if he disapprove the same, no further compensation can be drawn by any supervisor for such month; if he approve the same, the supervisors shall be entitled to additional compensation at the same per diem as above mentioned, for such additional time as may be required to transact the business of the county, not to exceed the number of days set forth in said resolution.

16. The county clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office, and shall charge and collect for all transcription, recording, and copying done by him, or in his office, for which the county clerk is now authorized or empowered to collect fees or make charges, twenty cents, and no more, per folio of one hundred words. All fees and charges received or collected by such county clerk shall belong to and be the property of the county, and paid into the treasury thereof; *provided*, that from and after the passage of this act he shall collect and receive for his own use and benefit the fees received by him for all copies or certified copies of any record or file of his office. The county recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office; and he shall charge ten cents, and no more, for indexing each name in any document or paper filed in his office. All fees and charges received or collected by such recorder shall belong to and be the property of the county, and paid into the

county treasury thereof, except fees received by him for all copies or certified copies of any record or file of his office, which fees for such copies or certified copies he shall collect and receive for his own use or benefit. He shall also receive from the county for making abstract of mortgages, deeds of trust, contracts, or other obligations by which debts are secured on real estate, for the assessor, as required by law, twelve and one half cents for each mortgagee or grantee, which shall be full compensation for making such abstract.

17. The recorder may appoint a chief deputy, at a salary of one hundred and twenty-five dollars per month; and an indexing deputy, at a salary of one hundred dollars per month; and a comparing deputy, at a salary of one hundred dollars per month. He may also appoint such copyists as are necessary to properly perform the duties of his office, at a compensation not to exceed six cents per folio for each and every folio copied, and the auditor shall draw his warrant monthly in favor of such copyists, upon an an affidavit filed by each copyist so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed, that a notice of such appointment must be immediately filed with the auditor of the county; *and provided further*, that such appointment must be filed with the auditor before he can draw any warrant in favor of such copyist.

18. The county clerk may, with the consent of the board of supervisors, appoint a deputy, who shall receive from the county a salary of one thousand five hundred dollars per annum, which salary shall be paid from and after the date of the approval of this act.

19. Parties commencing actions in the superior court, except in probate cases, must deposit seven dollars and fifty cents with the clerk thereof, and upon the appearance in the action of the defendant or defendants, he or they must deposit two dollars and fifty cents with the clerk, which amounts shall constitute the clerk's fees in full in such action, and the whole thereof must be paid into the county treasury, and in no case shall any rebate be made by the

fees shall constitute the clerk's fees in full
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ury, and in no case shall any rebate be mad
In all actions now pending in which a dep
made with the clerk by the plaintiff or d
same shall constitute the fees in such acti
full of all clerk's fees therein.

20. The sheriff may appoint one under-sh
ary of one hundred and fifty dollars per mon
uties, at a salary of one hundred dollars pe
and a jailer, at a salary of eighty-five dollar
The sheriff shall collect and receive for hi
benefit all fees and charges for serving proc
county, when the action or matter from whe
cess originated is pending without his county

21. The district attorney may appoint an
trict attorney, at a salary of eighteen hundre
annum; an assistant district attorney, at a sala
four hundred dollars per annum; a deputy d
ney, at a salary of fifteen hundred dollars pe

22. The board of supervisors may appropri
general fund of the county, the sum of two t
hundred dollars each year, to aid in and carry
of inducing immigration thereto.

23. All the provisions h

ties charged with offenses triable in the superior court, must present their claims for such services to the board of supervisors for allowance; and no justice of the peace or magistrate shall have the authority to draw an order upon the county auditor for a warrant for such services.

25. Each of the superior judges shall receive from the county the sum of fifty dollars per month for stamps, stationery, and such clerical assistance as he may require at chambers to enable him to properly perform the duties of his office.

26. The officers mentioned in section fifty-seven of this act, except as hereinafter provided, shall be elected in the year eighteen hundred and ninety-two, and every four years thereafter, and shall take office at twelve o'clock, meridian, on the first Monday after the first day of January next succeeding their election; *provided*, that supervisors, assessors, and superintendents of schools shall be elected as hereinbefore provided in this act. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified.

SEC. 171. *Ninth class.* In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, viz.:—

1. The county clerk, two thousand seven hundred and fifty dollars per annum.

2. The sheriff, three thousand six hundred dollars per annum. The sheriff shall also receive, for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, two thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum.

7. The assessor, two thousand two hundred dollars per annum.

8. The district attorney, three thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the board of supervisors, six hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board, and fifteen cents a mile mileage in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed.

16. The county clerk may appoint one chief deputy, at a salary of one thousand two hundred dollars per annum; two court-room deputies, at a salary of nine hundred dollars per annum each. The county recorder, one deputy, at a salary of one thousand two hundred dollars per annum, and two deputies, at a salary of nine hundred dollars per annum each. The treasurer may appoint one deputy, at a salary of one thousand five hundred dollars per annum. The assessor may appoint one office deputy, at a salary of one thousand two hundred dollars per annum, and fifteen deputies, to serve from the first Monday in March to the first Monday in July of each year, and shall each receive four dollars per day for each day they actually and necessarily attend to the duties of the office, and he shall also receive fifteen per cent of all amounts collected by him for poll taxes, and six per cent on personal property tax collected by him. The district attorney may appoint an assistant district attorney, at a salary of fifteen hundred dollars per annum, and a deputy district attorney, at a salary of nine hundred dollars per annum. The sheriff

appoint an under-sheriff, who shall receive a salary of two thousand five hundred dollars per annum; a clerk, who shall receive a salary of nine hundred dollars per annum; a deputy sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs or court-room deputies, each of whom shall receive a salary of nine hundred dollars per annum; one jailer, who shall receive a salary of nine hundred dollars per annum. The officers named in section one hundred and seventy-one of this act shall be elected in the year one thousand eight hundred and ninety-four, at the time provided by law, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of the expiration of the term of office of the supervisors; *provided*, that whenever, in the opinion of the board of supervisors, it becomes necessary, the said board shall allow any one of said officers, for a stated period, an additional deputy, or such number of deputies as in their judgment may be required to do the business of such office, in connection with the principal, at a salary not to exceed one hundred dollars per month. All the deputies, assistants, and clerks herein enumerated are to be paid at the times and in the manner that their principals are paid, from and after the approval of this act. The coroner shall cause the testimony given by witnesses at inquests held by him to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the superior courts of this state; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

SEC. 172. *Tenth class.* In counties of the tenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, twenty-five hundred dollars per annum.
2. The sheriff, forty-five hundred dollars per annum.
3. The recorder, two thousand dollars per annum.
4. The auditor, twelve hundred dollars per annum.

any objection to the probate of any will or testament, or to the appointment of any administrator, executor, or guardian, or the citation of any executor, administrator, or guardian to appear and answer concerning any matter touching such executorship, administratorship or guardianship, from the person filing such petition, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing and entry of the order or decree finally determining the same.

(*d*) From the appellant, on filing any notice of appeal to the supreme court from any order or decree made in the matter of any estate or guardianship, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing of the remittitur from the supreme court on such appeal.

3. In case of any appeal to the superior court or transfer of any case thereto,—

(*a*) From the appellant, on receipt of any papers or transcript on appeal from any justice's or inferior court, the sum of five dollars; which shall be in full for all services of such clerk, to and including the entry of final judgment, and making and filing of the judgment roll and remitting of any order of dismissal or affirmance required by law.

(*b*) From the moving party on the filing of the papers in any case transferred to the superior court from any justice's or inferior court, pursuant to any statute, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the entry of final judgment, and making and filing of the judgment roll, or the remitting of any order of dismissal or affirmance, or any order remanding such case to any lower court.

(*c*) On the filing of the papers in every case for change of venue made to the superior court from the superior court of any other county, the sum of ten dollars; to be in full for all services to be performed by such clerk, to and including the entry, recording, and docketing of the final judgment, and making up and filing of the judgment roll.

4. *On the filing of* any petition in insolvency, —

(*a*) *From* the person so filing the same, the sum of ten dollars; which shall be in full for all services to be per-

such additional assistance, to which written request must be attached an affidavit of such officer or officers that the duties of his office or their offices absolutely require the appointment of the deputies asked for; *and provided further*, that the appointment of such deputies, or of either or any thereof, may be revoked by the board of supervisors whenever the said board shall be satisfied that the services of such deputy or deputies are no longer absolutely necessary for the due discharge of the duties of such office or offices; *and provided further*, that each of such county officers shall be responsible on his official bond for the official acts of each of such deputies allowed by the said board of supervisors upon the written request of such county officer, and such county officer shall revoke the appointment of such deputies whenever the duties of his office do not absolutely require the same; *and provided further*, that whenever the board of supervisors allow any such appointment, they shall do so by written authority, to be filed in the offices of the county clerk and county auditor, together with the request and affidavit of the county officer desiring said appointment to be made, the original of the same being filed with the county clerk, and the duplicate with the county auditor.

SEC. 173. *Eleventh class.* In counties of the eleventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, five thousand dollars per annum, and mileage for the service of any and all process required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.
3. The recorder, two thousand dollars per annum.
4. The auditor, two thousand dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, one thousand five hundred dollars per annum.
7. The assessor, eighteen hundred dollars per annum.
8. The district attorney, two thousand four hundred

dollars per annum. And the district attorney may appoint a deputy district attorney, at a salary of fifteen hundred dollars per annum, who shall hold his office at the pleasure of the district attorney.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Constables, such fees as are now or hereafter may be allowed by law.

14. Justices of the peace, such fees as are now or hereafter may be allowed by law.

15. Supervisors, each six dollars per day for actual service, and forty cents per mile while traveling from his place of residence to the county seat; *provided*, that no more than one mileage in any one monthly term shall be allowed.

16. The fees and compensations of constables in criminal cases or proceedings to which the people of the state of California are or may be made parties shall not exceed seventy-five dollars for any one month. All moneys in excess of this sum shall by said constable be paid into the county treasury, and the provisions of this subdivision shall not in any way be construed to affect present incumbents.

In counties of the eleventh class it shall be the duty of the county clerk to collect in advance and pay into the county treasury, in the cases hereinafter mentioned, the following fees, viz.: —

1. In all civil actions and all special proceedings of a civil nature, and for all informations filed by a citizen for the purpose of removing an officer, —

(*a*) From the plaintiff or informer, on the commencement of every such action or proceedings, ten dollars; which shall be in full for all services to be performed by such clerk to and including the entry, recording, and docketing of the judgment, and making up and filing the judgment roll.

(*b*) From the defendant in such cases, on his appearance, five dollars; which shall be in full for all like services.

(*c*) From the moving party, on filing notice of motion, for each motion to vacate or set aside any final order or judgment, except in probate cases, and for each motion for new trial, five dollars; which shall be in full for all services to be performed by such clerk to and including the entry of the order finally granting or denying such motion.

(*d*) From the appellant, on filing any notice of appeal to the supreme court from any order, judgment, or decree, ten dollars; which shall be in full for all services to be performed by such clerk thereon, to and including the filing of the remittitur from the supreme court on such appeal.

2. In the matter of every estate and guardianship,—

(*a*) From the petitioner, on filing each petition for letters testamentary, or of administration or of guardianship of the person or estate of any minor, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing of the inventory and appraisement, in the matter of such estate or guardianship.

(*b*) Upon the filing of such inventory and appraisement, before any further proceedings are had, the sum of one dollar for each and every thousand dollars of the appraised value of the estate of such minor or decedent; which shall be in full for all services to be performed by such clerk in matter of such estate or guardianship, to and including the filing, entry, and recording of the final decree of settlement and distribution therein, or the decree finally partitioning such estate; *provided*, that in all cases where the estate of any decedent shall be summarily distributed in the manner provided by section one thousand four hundred and sixty-nine of the Code of Civil Procedure of this state, ten dollars shall be in full for all services performed therein by such clerk, to and including the final entry and recording of the decree summarily disposing thereof.

(*c*) On the filing of every petition for the removal of any executor, administrator, or guardian, or the filing of

(*d*) From the appellant, on filing any notice of a
to the supreme court from any order or decree ma
the matter of any estate or guardianship, ten d
which shall be in full for all services to be perform
such clerk, to and including the filing of the remi
from the supreme court on such appeal.

3. In case of any appeal to the superior court or t
fer of any case thereto,—

(*a*) From the appellant, on receipt of any pape
transcript on appeal from any justice's or inferior
the sum of five dollars; which shall be in full for a
vices of such clerk, to and including the entry of
judgment, and making and filing of the judgmen
and remitting of any order of dismissal or affirman
quired by law.

(*b*) From the moving party on the filing of the pap
any case transferred to the superior court from any
tice's or inferior court, pursuant to any statute, ten
lars; which shall be in full for all services to be perfo
by such clerk, to and including the entry of final
ment, and making and filing of the judgment roll, c
remitting of any order of dismissal or affirmance, o
order remanding such case to any lower court.

(*c*) On the filing of the papers in every case for ch
of venue made to the superior court from the sup
court of any other county, the sum of ten dollars; to
full for all services to be performed by such clerk, t

benefit of the county; *provided*, that said justices of the peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

14. Constables, a salary to be fixed by the board of supervisors, and paid monthly out of the salary fund, as the salary of the county officers are paid, such salary to be full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases.

15. Supervisors, each, seven hundred dollars per annum, without mileage; *provided*, that when required to go on business for the county, they shall be allowed their actual expenses.

The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable in gold and silver coin of the United States.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, executing an order of arrest, or order for delivery of personal property, two dollars; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars; *for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution* or other process, such

Section 2. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Section 3. This act shall take effect and be in force, so far as it relates to fees collected by the county clerk, from and after its approval.

SEC. 174. *Twelfth class.* In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. County clerk, three thousand six hundred dollars per annum.

2. The sheriff, five thousand dollars per annum.

3. The recorder, three thousand two hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees: For recording any instrument, paper, or notice containing less than two hundred and fifty words, twenty-five cents; from two hundred and fifty words to four hundred and forty-nine words, fifty cents; from four hundred and fifty words to six hundred and forty-nine words, seventy-five cents; from six hundred and fifty words to seven hundred and ninety-nine words, one dollar; from eight hundred words to nine hundred and forty-nine words, one dollar and twenty-five cents; from nine hundred and fifty words to eleven hundred words, one dollar and fifty cents; more than eleven hundred words, fifteen cents for each folio; all headings and certificates of filings to be included in the count. For copies of any record or paper, the same fee as for recording; for indexing any instrument, paper, or notice, twenty-five cents for each name indexed; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, and marking same on indexes, fifty cents; for searching records or files in his office, for each year, when required, fifty cents; for abstract of title, for each conveyance or encumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for

the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage license and certificate, one dollar; for recording each mark or brand, twenty-five cents; for administering each oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for filing, indexing, and keeping each map or paper not required by law to be recorded, fifty cents; for recording and indexing mining claims and water rights, the same fees as are allowed for recording and indexing any other instrument; for all other services not herein enumerated, the same fees as are allowed the clerk of the superior court for like services.

4. The auditor, one thousand four hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, five thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justice of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, each, the sum of six hundred dollars per annum and actual mileage, not to exceed in any one year the sum of one hundred dollars.

SEC. 175. *Thirteenth class.* In counties of the thirteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. County clerk, four thousand dollars per annum.

2. Sheriff, six thousand dollars per annum; *provided*,

per annum. He shall also collect all cou
shall receive such fees as are now or may
lowed by the board of supervisors for
county licenses; *provided*, that he may em
at a salary not to exceed one thousand do
provided further, that he shall not be al
after the first Monday in January, eighte
ninety-three.

7. The assessor, three thousand three
per annum; *provided*, that said assessor b
employ a deputy, who shall receive a sala
sand dollars per annum.

8. The district attorney, three thous
annum.

9. The public administrator, one thou
annum.

10. The coroner, such fees as are now o
be allowed by law.

11. The superintendent of schools, on
hundred dollars per annum.

12. The surveyor, such fees as are now o
be allowed by law.

13. Justices of the peace, a salary to
board of supervisors, and paid monthly o
fund as the salaries of the county officer
salary to be in full compensation for all s
kind, nature, or description required of t
criminal cases. Each justice of the peac

benefit of the county; *provided*, that said justices of the peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

14. Constables, a salary to be fixed by the board of supervisors, and paid monthly out of the salary fund, as the salary of the county officers are paid, such salary to be full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases.

15. Supervisors, each, seven hundred dollars per annum, without mileage; *provided*, that when required to go on business for the county, they shall be allowed their actual expenses.

The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable in gold and silver coin of the United States.

OATH OF OFFICE.

No fees shall be charged by an officer for administering ad certifying the oath of office, or filing or recording offi- al bonds.

FEES OF SHERIFF.

For serving a summons and complaint, or any other cess by which an action or proceeding is commenced, each defendant, one dollar; for serving an attachment property, or levying an execution, executing an order rrest, or order for delivery of personal property, two ars; for serving an attachment on any ship, boat, or el, in proceedings to enforce any lien thereon created w, three dollars; for his trouble and expense in g and keeping possession of and preserving property attachment or execution or other process, such

proceedings, for the first folio, fifty cents; for each subsequent folio, fifteen cents; for issuing every writ or process, under seal, fifty cents, except the writ of habeas corpus; for issuing each subpœna for one or more witnesses, fifty cents; for filing each paper, fifteen cents; for entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, per folio, twenty-five cents, when the same contains one folio or less; for each additional folio in excess of one, twenty cents; for calling and swearing every jury voir dire, fifty cents; for calling and swearing every jury to try cause, forty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every cause or proceeding on the calendar, twenty cents; for entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents; for making up and filing judgment roll, twenty-five cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering every oath or affirmation, twenty-five cents; for certifying the same, twenty cents; for copy of any proceeding, record, or paper, per folio, fifteen cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, one dollar; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents; for issuing every execution or final process, under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents; for receiving and filing every remittitur from supreme court, and accompanying papers, fifty cents; for taking and approving each undertaking or bond, fifty cents; for taking justification thereto, twenty-five cents; for taking testimony on justification of undertaking or bond, for each folio, twenty cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court, as required by law, for each name, twenty cents; for filing and entering papers on transfer of cases from other courts, two dollars; for transmission of files or transfer of cases to

other courts, including certificates of order of transfer, two dollars; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justices' courts, for each case, two dollars; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, twenty-five cents; for recording papers required by law to be recorded, for each folio, fifteen cents; for indexing the same, twenty cents; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the judge of the superior court that the person committed has sufficient property to pay the expenses of his or her commitment, per folio, fifteen cents; for filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents; for issuing a license required by law, one dollar; *provided*, that no fees shall be charged by the clerk for affidavit or certificate for or in behalf of a United States pension applicant; for issuing letters testamentary or of administration, fifty cents; for filing and registering each claim on register of claims, twenty-five cents.

FEES OF RECORDER.

For recording every instrument, paper, or notice, for each folio, fifteen cents; for indexing every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for every instrument for record, and making necessary entries thereon, fifteen cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing same, fifty cents; for searching records or files in his office for each year, when required, fifty cents; for abstract of title for each conveyance or encumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures or letters on plats or maps, per folio, twenty-five cents; *provided*, that the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgment, including seal, for the first signature, fifty cents; for each additional signature, twenty-five

15. The supervisors, each the sum of six dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

SEC. 178. *Sixteenth class.* In counties of the sixteenth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, three thousand six hundred dollars per annum.

2. The sheriff, seven thousand dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, or road commissioners, nine hundred dollars each per annum, and mileage when acting as road

commissioner, twenty-five cents per mile, one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. The board of supervisors may, when requested by the official reporter of the superior court, and recommended by the judge thereof, allow such reporter such monthly salary as may be deemed reasonable, but which shall not be less than ($50) fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said superior court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the county auditor shall not draw his warrant for said salary, except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer by law is entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF SHERIFF.

For serving a summons and complaint or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar; for serving an attachment on any boat, ship, or vessel, in proceedings to enforce any lien thereon created by law, two dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution or other process, such sum as the court may order; *provided*, that no more than two dollars per diem shall be allowed to a keeper; for taking bonds or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents; for serving every notice, rule,

order, fifty cents; for advertising property for sale or execution, or under any judgment or order of sale exclusive of cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, two dollars; for serving a subpœna, for each witness summoned, twenty-five cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point, to complete such service), for each mile necessarily traveled, in going only, twenty cents; for commissions for receiving and paying over money, on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, one per cent, on all sums above that amount, one half of one per cent; for commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one half of one per cent, and one fourth of one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum directed herein to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents; for executing a certificate of sale, exclusive of the filing and recording the same, one dollar; for summoning a trial jury of twelve persons or less, three dollars; for all services in justices' courts, the same fees as are allowed constables for like services; for

conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the state for the conveyance of prisoners to the state prison, and conveyance of persons to the insane asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

FEES OF COUNTY CLERK.

At the commencement of each suit the clerk shall be entitled to demand and receive from the plaintiff, in addition to the judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to time of judgment, and from the defendant three dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the clerk should be insufficient, he shall be entitled to demand from either party such further sums as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the clerk to the party who advanced them, on demand. The clerk of the superior court shall receive, for entering each suit on the clerk's register of actions, and for making the necessary entries therein during the progress of the suit, and of the trial, and of the subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five cents; for issuing every writ of process under seal, fifty cents, except the writ of habeas corpus; for issuing each subpena for one or more witnesses, fifty cents; for filing each paper, twenty-five cents; for entering every motion and order, rule, default, continuance, dismissal, or nonsuit, fifty cents; for calling and swearing every jury on voire dire, fifty cents; for calling and swearing every jury to try cause, fifty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents; for making up and filing judgment roll, fifty cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, fifty cents; for administering every oath or affirma-

tion, twenty-five cents; for certifying the same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, twenty cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, one dollar; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty-five cents; for issuing every execution or other final process, under seal, fifty cents, for copy of every decree or order of sale of mortgaged property, for each folio, twenty-five cents; for receiving and filing every remittitur from supreme court, and accompanying papers, one dollar; for taking and approving each undertaking or bond, fifty cents; for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, twenty-five cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court, as required by law, for each name, twenty cents; for filing and entering papers on transfer of cases from other courts, three dollars; for transmission of files or transfer of cases to other courts, including certificate of order of transfer, two dollars; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justices' courts, for each case, one dollar and fifty cents; for writing and posting each notice required, fifty cents; for each notice for publication, in addition to the cost of publication, fifty cents; for recording papers required by law to be recorded, for each folio, twenty-five cents; for indexing same, twenty cents, for issuing each marriage license, one half to be paid to the county recorder, two dollars; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the judge of the superior court that the person committed has sufficient property to pay the expenses of his commitment, per folio, twenty-five cents; for filing all papers to be kept by him, not required to be recorded, twenty-five cents; for indexing same, for each name, twenty-five cents; for issuing any license required by law, one dollar; for all services

in estates of deceased persons, fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisement thereof: Estates of the value of fifteen hundred dollars or less, three dollars; estates of over fifteen hundred dollars and not exceeding ten thousand dollars, ten dollars; estates of ten thousand dollars and not exceeding fifty thousand dollars, fifteen dollars; estates of over fifty thousand dollars, fifteen dollars, and fifteen cents for each paper filed, and twenty-five cents per folio for recording each document required by law to be recorded; *provided*, that the county clerk of each county shall charge and collect for each action or proceeding commenced in the superior court of the county, a fee of two dollars, in addition to the fees above mentioned, which sum shall be deposited in the treasury of the county, as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the judge or judges of the superior court of each county for said purpose. No fees shall be charged by county clerks for affidavits or certificates for or in behalf of the United States pension applicants. For all services in the estates and guardianship of minor heirs, the same fees as are allowed in the estates of deceased persons.

The provisions of this act respecting the fees of county clerk shall take effect immediately.

FEES OF RECORDER.

For recording every instrument, paper, or notice, for each folio, twenty cents. For indexing every instrument, paper, or notice, twenty-five cents for each name indexed; for copies of any record or paper, per folio, twenty cents; for filing every instrument for record, and making the necessary entries thereon, twenty cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, fifty cents; for searching records of files in his office, for each year, when required, fifty cents; for abstracts of title, for each conveyance or encumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or

maps, per folio, fifty cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars; for taking acknowledgment, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording transcript and for all other services in estray cases, one dollar; for recording each mark or brand, seventy-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, fifty cents; for recording mining claims and water rights, the same as are allowed for recording any other instrument; for all other services not herein enumerated, the same fees as are allowed the clerk of the superior court for like services.

The provisions of this act respecting the fees of county recorder shall take effect immediately.

FEES OF CORONER.

For general services in holding an inquest, ten dollars; for each witness subpœnaed, twenty-five cents; for each mile necessarily traveled in going to the place of the inquest, twenty-five cents; for directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

FEES OF COUNTY SURVEYOR.

For the first mile actually run with compass and chain, in wood or brush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars; for each mile run with compass alone, one dollar and fifty cents; for the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents; for each mile run with compass alone, one dollar; for each lot laid out and platted in any city or town, one dollar; for recording a survey, seventy-five cents; for calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course; for traveling to place of survey, for

each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him; for ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar; for copies and certificates, per folio, fifteen cents; for erecting a monument at the corner of any survey, when required, fifty cents; for erecting a monument when running a line, at a variation or offset, when required, twenty-five cents; for copy of plat of any survey and certificate required by any person, or to be transmitted to the surveyor-general, one dollar, to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in case of surveys ordered by the court or board of supervisors, such compensation as shall be by them allowed.

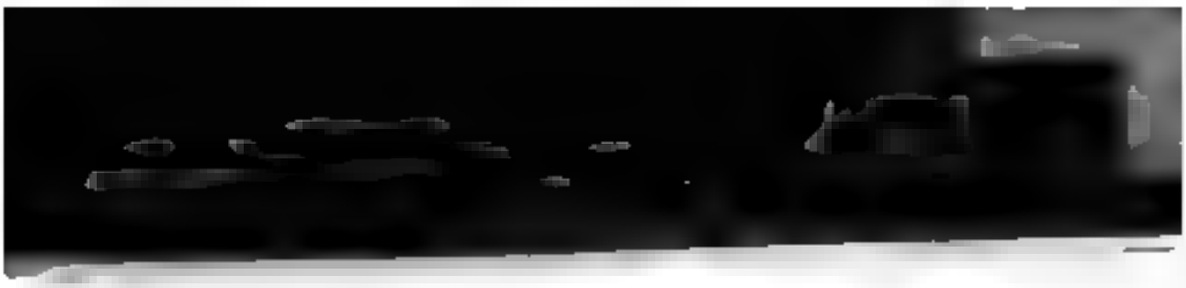
FEES OF THE JUSTICES OF THE PEACE.

For entering every cause upon his docket, fifty cents; for filing each paper in the suit, twenty-five cents; for issuing any writ or process by which the suit is commenced, fifty cents; for issuing subpœna, for each person, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attachment or arrest, or for the delivery of property, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for issuing an execution, one dollar; for taking depositions, per folio, twenty cents; for issuing search-warrants, fifty cents; for affidavit for search-warrant, including entry in his docket, when there is no other or further action, one dollar; for entry of causes without process, one dollar; for entering every motion, rule, order, exception, default, twenty-five cents; for entering any final judgment, for the first folio, one dollar; for every additional folio, twenty cents; for entering judgment by confession, only on affidavit, as required in the superior court, two dollars; for entering satisfaction of a judgment, fifty

cents; for issuing commission to take testimony, fifty cents; for transcript of a judgment, order, docket, or paper in his office, for each folio, twenty cents; for making up and transmitting transcript and papers on appeal, one dollar and fifty cents; for taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents; for celebrating a marriage and returning a certificate thereof to the county recorder, five dollars; for all services and proceedings before a justice of the peace, in a criminal action or proceeding, whether on examination or trial, three dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the county clerk of the papers of the case), for each folio, twenty cents; for taking bail after commitment in criminal cases, one dollar; for all services connected with the posting of the estrays, including transcript to the recorder, two dollars; for all services appertaining to the coroner's office, the justice of the peace who shall act when the coroner shall be absent or unable to attend shall receive the same fees as are allowed the coroner for similar services. When the venue shall be changed, the justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive, in addition to such fees as have accrued in the case, the sum of one dollar, all of which fees must be paid before the justice shall be required to transmit the papers, and the justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. In cases of appeal, all fees of the justice, including those on trial and those on appeal, must be paid before the justice shall be required to forward the papers to the county clerk.

FEES OF CONSTABLES.

For serving summons in civil cases, for each defendant, fifty cents; for summoning a jury before a justice of the peace, two dollars and mileage; for making sales of estrays, the same fees as for sales on execution; for all other services, the same fees as are allowed to sheriffs for similar services. In all criminal cases, for making every



arrest, two dollars and mileage; for summoning a jury of twelve persons or less, two dollars and mileage; for serving a subpœna, fifty cents for each person so served; for every mile necessarily traveled in executing any warrant of arrest, serving subpœna, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any court (provided, that when, in the same action, any two or more persons are served at the same time or in the same direction, but one mileage shall be charged to the most distant point), thirty cents per mile, going only; for conveying a person when under arrest, the necessary expense actually paid for transporting. The provisions of this act respecting the fees of constables shall take effect immediately.

FEES OF INTERPRETERS.

Interpreters and translators shall be allowed such compensation for their services as the courts shall allow, to be fixed and collected as other costs; but the same shall not exceed three dollars per day.

FEES OF WITNESSES AND JURORS.

Each person subpœnaed as a juror, or a witness in behalf of the people, whether before the superior court, grand jury, referee, or commissioner, shall be entitled to pay at the rate of two dollars per day for each day's attendance; and for mileage at the rate of twenty-five cents per mile necessarily traveled, in going only. No person shall be obliged to testify in a civil action unless his fees shall have been paid or tendered, or shall not have been demanded at the time he was subpœnaed. No fees shall be allowed to any witness in any criminal action or proceeding, on the part of the defendant, except in a court of record, or before a grand jury, and then only upon the certificate and order of the judge of the superior court, who shall first be satisfied by the oath or affidavit of the witness that he resides out of the county, or that he is so poor as not to be able to bear his own expense. Each person who is subpœnaed to serve as a witness or juror in a civil case before a justice of the peace or superior court shall receive two dollars per day for each day actually in service as such witness or juror, and also twenty-five cents for each mile traveled, in going only.

FEES OF PUBLIC ADMINISTRATORS.

The public administrator shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators, by an act entitled "An act to regulate the settlement of the estates of deceased persons," passed May first, eighteen hundred and fifty-one.

JUDGES AND CLERKS OF ELECTION.

The judges and clerks of election shall be allowed such compensation as the board of supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed; which shall be full compensation for all services required by law to be performed.

NO OTHER FEES ALLOWED.

The officers above named shall receive no other fees for any services performed by them in any action or proceeding or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this subdivision, the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides cost of suit, and may be indicted, and if found guilty shall be fined in a sum not exceeding five hundred dollars and be removed from office.

FEES — WHEN PAID.

The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the judge of the superior court, setting forth that he has a good cause of action or defense, and that he is unable to pay the fees in advance, the judge of the superior court may, in his discretion, make an order that the officer perform such service without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the judge of the superior court.

TABLE OF FEES.

Every officer herein specified shall prepare and set up in his office a plain table of fees, as prescribed in this act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with cost, by any person, before any justice of the peace of the same county.

EXECUTION FOR FEES.

If any clerk, sheriff, justice of the peace, or constable shall not receive any fees due to him for services rendered in any suit or proceeding, he may have execution therefor in his own name against the party by whom they are due, to be issued from the court in which the action is pending.

COST OF PUBLICATION — WHEN PAID.

When, by law, any publication is required to be made by an officer of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

FOLIO DEFINED.

The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draught or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

When any sheriff, constable, or coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

RECEIPTS.

Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same

No fees shall be charged by an officer for administe
and certifying the oath of office, or filing or recordin
cial bonds.

TO COMPLETE BUSINESS.

It shall be the duty of all officers in this section n
to complete the business of their respective offices t
time of the expiration of their respective terms; a
case an officer, at the close of his term, shall leave t
successor official labor to be performed for which h
received compensation, or which it was his duty to per
he shall be liable to pay his successor the full value of
service, which may be recovered in any court of co
tent jurisdiction.

NO OTHER COMPENSATION.

None of the officers mentioned in this act shall r
any other compensation whatever for any service tha
or may be hereafter required of them in the discha
their respective offices.

FEE-BOOK.

It shall be the duty of every officer in this act n
authorized to receive any fees for official services o
self or deputies, to keep a fee-book, in which he shal
an exact and full account, in detail, of all fees, commi
or compensations, of whatever nature or kind, by

may keep a separate fee-book for each office, and may make separate statements for each, or he may keep a joint fee-book and make joint statements, at his discretion.

PENALTY FOR NEGLECT.

If any officer named in this section shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence or removal from office, if in the office at the time of sentence.

SEC. 179. *Seventeenth class.* In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum.
3. The recorder, two thousand four hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, sixteen hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five hundred dollars per annum, and

seventh class may authorize, by an order entered upon the minutes of said board, the officers named in section one hundred and seventy nine of this act to employ such additional assistants or deputies as they may deem necessary for the transaction of the public business, and fix the compensation of such assistants or deputies, and the same shall be a county charge.

17. The officers named in section one hundred and seventy-nine of this act, except three supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of supervisors.

18. All persons residing in the counties of the seventeenth class, attending as witnesses before the superior court in criminal cases, shall be paid by the county treasurer, upon the order of the judge of the superior court, the sum of one dollar and fifty cents per day for the time actually in attendance, and mileage at the rate of ten cents per mile, one way only. The district attorney may show by competent evidence that a witness was not subpœnaed in good faith, and the rules of court and practice in civil actions relating to striking out cost bills and the items therein shall apply; and if the court should find that a witness was not subpœnaed in good faith and for the pur-

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; *provided*, if he shall engage in any other occupation during his term of office, his salary shall only be six hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

Each member of the board of supervisors shall receive, for all services required of him by law or by virtue of his office, the sum of five hundred dollars per annum, and ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

Sec. 181. *Fourteenth class.* In counties of the ninth class the county officers shall receive, as compensation for all services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, five thousand dollars per annum.

3. The recorder, fifteen hundred dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, *one thousand* dollars per annum.

7. The *assessor, three thousand two hundred* dollars per

hereafter may be allowed by law.

11. The superintendent of schools, sixteen
lars per annum: *provided*, the superintendent
permitted to nor shall he teach any school,
vote his entire attention to the duties of his

12. The surveyor, such fees as are now or h
be allowed by law.

13. Justices of the peace, such fees as are
after may be allowed by law.

14. Constables, such fees as are now or here
allowed by law.

15. Supervisors, five dollars per day for e
ployed in the discharge of the duties of the
gether with mileage at the rate of thirty cent
going only, from their residence to the county
session of the board; *provided*, that when the
office of treasurer and tax collector are con
provided in section fifty-seven of this act,
compensation of said office of treasurer and
for such consolidated duties shall be two t
hundred dollars per annum.

SEC. 182. *Twentieth class.* In counties of
class the officers shall receive, as compensatio
vices required of them by law or by virtue o
or as ex officio officers, the following salaries
[illegible] clerk, four thousand dollars per

of judgment, three dollars; for administering and certifying oaths or other papers, except oaths administered during the trial to jury and witnesses, and to claimants to bills against counties, fifty cents; for taking and certifying depositions, per folio, ten cents; for taking acknowledgments, one dollar; and for each name above one, fifty cents; for services performed in cases appealed from justices' courts, up to and including the rendition, entry, and docketing of judgment, three dollars; for filing, docketing, and issuing execution on transcripts of judgment from other courts, one dollar; for filing execution on return and satisfying judgment, fifty cents; for copies of all papers, exclusive of certificate, per folio, ten cents; for filing and indexing articles of incorporation, two dollars; for filing and indexing certificates of copartnership, one dollar; for issuing marriage license, two dollars; for filing any paper other than herein provided for, ten cents; for comparing copies of papers or transcripts, when not prepared by clerk, per folio, two cents; for filing the papers and issuing letters of administration, or guardianship, or special administration, in any case, two dollars; for services up to and including the final settlement of the case, in which the value of the estate does not exceed one thousand dollars, no further fees shall be charged; where the value of the estate does not exceed one thousand five hundred dollars, an additional three dollars; where the value of the estate does not exceed three thousand dollars, five dollars; and for each additional one thousand dollars in value above three thousand dollars, and not exceeding ten thousand dollars, one dollar; and for each one thousand dollars in value of all estates of ten thousand dollars and upwards, as shown by the inventory, to be collected by the clerk upon the filing of the inventory, two dollars for each one thousand dollars.

2 Sheriff, five thousand five hundred dollars per annum. The sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an *action or proceeding* is commenced, on each *person, fifty cents; for levying* an attachment on *property, or levying an execution or* order for the delivery

no more than two dollars and fifty cents per d
allowed to a keeper; for serving every notice, r
der, fifty cents; for advertising property for sale
tion or other process, the cost paid, by line, for pu
for serving a writ of possession or restitution,
person in possession of premises and removing
paut, one dollar; for serving a subpœna on each
ten cents; for traveling to serve any paper, for
necessarily traveled, in going only, to the place o
per mile, ten cents; *provided*, that if any two or
pers be required to be served at the same time a
same direction, one mileage only shall be charg
most distant point to complete such service; fo
sions for receiving and paying over money on exe
other process, on the first one thousand dollars
cent, and all above that sum, one half per cent;
ing and executing a sheriff's deed, to include the
edgment, two dollars; for executing a certificat
exclusive of the filing and recording, fifty cents.

3. Recorder, two thousand five hundred dolla
num. The recorder shall collect and pay into t
treasury, for the use and benefit of the county, t
ing fees, to wit: For recording any document,
folio, eight cents; for copies of any document,
folio, eight cents; for indexing every document,

sum, and one clerk at a monthly salary of not exceeding fifty dollars.

5. Treasurer, one thousand eight hundred dollars per annum.

6. Tax collector, two thousand dollars per annum.

7. Assessor, four thousand dollars per annum.

8. District attorney, one thousand five hundred dollars per annum.

9. Coroner, such fees as are allowed by law.

10. Public administrator, such fees as are allowed by law.

11. School superintendent, one thousand five hundred dollars per annum.

12. Surveyor, such fees as are allowed by law.

13. Justices of peace, such fees as are allowed by law, except those within incorporated cities, when no fees shall be allowed in case of misdemeanors.

14. Constables, the same fees as are herein directed to be collected by the sheriff for like services, and as follows, to wit: For summoning a jury, one dollar; for making an arrest in criminal cases, one dollar; for traveling to serve any paper, document, warrant of arrest, or process, for each mile necessarily traveled, in going only, to the place of service, ten cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service; *and provided further*, that in no event shall he be allowed any mileage beyond the boundaries or limits of the county. No other fees or allowances shall be allowed.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage for one session of the board shall be allowed, and the additional sum of two hundred dollars each per annum for their services as road commissioners.

Grand and trial jurors shall receive two dollars per day for attendance upon *all courts of record*, and ten cents mileage *per mile, one way, from the place* of their residence *to the county seat*. *Jurors and* witnesses in civil cases in

for the services required of them by law and
their office, the following salaries, to wit: —

1. The county clerk, twenty-five hundred
annum.

2. The sheriff, six thousand dollars per ann

3. The recorder, two thousand dollars per

4. The auditor, fifteen hundred dollars per

5. The treasurer, fifteen hundred dollars p

6. The tax collector, fifteen hundred dollar

7. The assessor, twenty-five hundred dollars

8. The district attorney, fifteen hundred do
num.

9. The coroner, such fees as are now or he
be allowed by law.

10. The public administrator, such fees as
hereafter may be allowed by law.

11. The superintendent of schools, eight
dollars per annum.

12. The surveyor, such fees as are now or h
be allowed by law.

13. Justice of the peace, such fees as are
after may be allowed by law.

14. Constables, a salary to be fixed by the
pervisors, and paid monthly out of the salary
salaries of the county officers are paid, such

the board of supervisors consolidate the duties of county offices, as provided by section fifty-seven of this act, that said offices so consolidated shall receive, as compensation for such consolidated duties, not to exceed the following: —

1. Sheriff and tax collector, six thousand six hundred dollars per annum.

2. Auditor and recorder, two thousand six hundred dollars per annum.

3. Clerk, auditor, and recorder, four thousand one hundred dollars per annum.

4. Clerk and recorder, three thousand five hundred dollars per annum.

5. Clerk and auditor, three thousand one hundred dollars per annum.

6. Treasurer and tax collector, two thousand one hundred dollars per annum.

SEC. 184 *Twenty-second class.* In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand seven hundred and fifty dollars per annum.

2. The sheriff, seven thousand dollars per annum.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand seven hundred and fifty dollars per annum.

9. The coroner, the fees that are now or hereafter may be allowed by law.

10. The public administrator, the same fees as are allowed executors for similar services.

11. The superintendent of schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in the discharge of his official duties, to be audited and allowed *periodically by* the board of supervisors, *not exceeding three hundred* dollars per annum.

12. The surveyor, ten dollars per day for each and

13. Justices of the peace, [illegible]
by law, except that for all services and proce
a justice of the peace in a criminal action or
whether on examination or trial, three dolla
and ten cents per folio for writing down testi
required by law.

14. Constables, fees allowed by general
eighteen hundred and seventy.

15. Supervisors, each, the sum of six hund
per annum, and twenty cents a mile for each m
to and from their residence and the place of h
meeting.

16. The officers named in section one hu
eighty-four of this act, except three supervis
elected in the year eighteen hundred and nine
shall hold office for the period of four years fr
Monday in January thereafter; but this pro
not change the time of election nor the expir
terms of supervisors

SEC. 185. *Twenty-third class.* In counties of
third class the county officers shall receive, a
tion for the services required of them by law
of their office, the following salaries, to wit:—

1. The county clerk, two thousand five hun
per annum.

2. The sheriff, three thousand five hundre

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, *provided*, the superintendent of schools may, with the consent of the board of supervisors, employ a deputy for such time as said board shall deem necessary, to enable the superintendent to visit the schools of his county as provided for by law. Said deputy shall receive from the county a salary, to be fixed by said board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. The supervisors, each, the sum of six dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence, to the county seat, at each session of the board.

SEC. 186. *Twenty-fourth class.* In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit, —

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

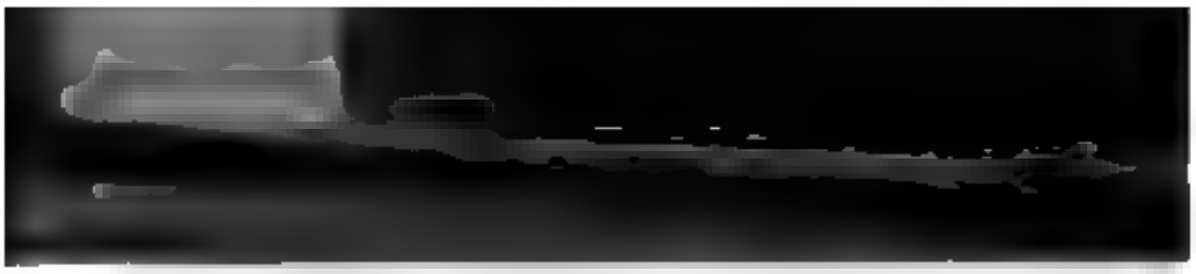
6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, *such fees as are now* or may hereafter be allowed *by law.*

10. The public administrator, such fees as are now or *may hereafter be allowed by law.*



to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuses or neglects to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

TO COMPLETE BUSINESS.

It shall be the duty of all officers in this section named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case an officer, at the close of his term, shall leave to his successor official labor to be performed for which he has received compensation, or which it was his duty to perform, he shall be liable to pay his successor the full value of such service, which may be recovered in any court of competent jurisdiction.

NO OTHER COMPENSATION.

None of the officers mentioned in this act shall receive any other compensation whatever for any service that now or may be hereafter required of them in the discharge of their respective offices.

FEE-BOOK.

It shall be the duty of every officer in this act named, authorized to receive any fees for official services of himself or deputies, to keep a fee-book, in which he shall enter an exact and full account, in detail, of all fees, commissions, or compensations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with date, the name of the payer, if paid, and the nature of the service in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the clerk of the board of supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he

may keep a separate fee-book for each office, and may make separate statements for each, or he may keep a joint fee-book and make joint statements, at his discretion.

PENALTY FOR NEGLECT.

If any officer named in this section shall refuse or willfully neglect to keep a fee-book, or to file a sworn statement, or to make returns as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence or removal from office, if in the office at the time of sentence.

SEC. 179. *Seventeenth class.* In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum.
3. The recorder, two thousand four hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, sixteen hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.

Justices of the peace, such fees as are now or hereafter may be allowed by law.

Constables, such fees as are now or hereafter may be allowed by law.

Supervisors, five hundred dollars per ...

ten cents per mile mileage in traveling to and from their respective residences to the county seat.

16. The board of supervisors of counties of the seventeenth class may authorize, by an order in open session of said board, the officers named in section one hundred and seventy-nine of this act to employ such additional assistants or deputies as they may deem necessary for the transaction of the public business, and fix the compensation of such assistants or deputies, and the same shall be a county charge.

17. The officers named in section one hundred and seventy-nine of this act, except three supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of supervisors.

18. All persons residing in the counties of the seventeenth class, attending as witnesses before the superior court in criminal cases, shall be paid by the county treasurer, upon the order of the judge of the superior court, the sum of one dollar and fifty cents per day for the time actually in attendance, and mileage at the rate of ten cents per mile, one way only. The district attorney may show by competent evidence that a witness was not subpœnaed in good faith, and the rules of court and practice in civil actions relating to striking out cost bills and the items therein shall apply; and if the court should find that a witness was not subpœnaed in good faith and for the purpose of giving material testimony, no compensation whatever shall be given such witness.

SEC. 180. *Eighteenth class.* In counties of the eighteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, three thousand two hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, two thousand five hundred dollars per annum.

and fifty cents; pension and naturalization papers, no charge

RECORDER'S FEES.

For each instrument, per folio, fifteen cents; for copies of record, per folio, fifteen cents; for indexing, each name, ten cents; for certificate under seal, fifty cents, for discharge of instrument on margin, fifty cents; for searching record, each year, per name, twenty-five cents; for abstract of title, each conveyance, fifty cents; for recording maps, each course, ten cents; for figures and letters on maps, twenty-five cents; for topography, each creek, river, road, or mountain, twenty-five cents; for acknowledgment, per first name, fifty cents; for acknowledgment, each additional name, twenty-five cents; for marriage license, one dollar; for official bond, one dollar; for building contracts, filed only, one dollar; for transcript in estray cases, etc., one dollar; for marks and brands, fifty cents, for filing papers not for record, twenty-five cents; for filing each instrument for record, twenty-five cents.

SEC. 187 *Twenty fifth class.* In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1 The county clerk, three thousand two hundred and fifty dollars per annum.

2 The sheriff, five thousand dollars per annum, and such mileage as is now allowed.

3 The recorder, three thousand two hundred and fifty dollars per annum

4 The auditor, twelve hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars per annum.

7 The assessor, three thousand two hundred and fifty dollars per annum.

8. The district attorney, twenty-five hundred dollars per annum.

9. The coroner, *such fees as are now* or may hereafter be *allowed by law.*

of personal property, fifty cents; for the trouble and expense of taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the court may order; *provided*, that no more than two dollars and fifty cents per diem shall be allowed to a keeper; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution or other process, the cost paid, by line, for publication; for serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, one dollar; for serving a subpœna on each witness, ten cents; for traveling to serve any paper, for each mile necessarily traveled, in going only, to the place of service, per mile, ten cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent, and all above that sum, one half per cent; for drawing and executing a sheriff's deed, to include the acknowledgment, two dollars, for executing a certificate of sale, exclusive of the filing and recording, fifty cents.

3. Recorder, two thousand five hundred dollars per annum. The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: For recording any document, for each folio, eight cents; for copies of any document, for each folio, eight cents; for indexing every document, per name, five cents; for any certificate under seal, fifty cents; for every entry of satisfaction of mortgage on the margin of the record, twenty-five cents; for searching records and files of his office, for each year, five dollars; for taking and certifying acknowledgments, one dollar for first name, and for each additional name, fifty cents; for filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; for recording each mark or brand, fifty cents; for administering and certifying oaths, each fifty cents; for recording marriage licenses, nothing.

4. Auditor, one thousand eight hundred dollars per an-

num, and one clerk at a monthly salary of not exceeding fifty dollars.

6. Treasurer, one thousand eight hundred dollars per annum.

6. Tax collector, two thousand dollars per annum.

7. Assessor, four thousand dollars per annum.

8. District attorney, one thousand five hundred dollars per annum.

9. Coroner, such fees as are allowed by law.

10. Public administrator, such fees as are allowed by law.

11. School superintendent, one thousand five hundred dollars per annum.

12. Surveyor, such fees as are allowed by law.

13. Justices of peace, such fees as are allowed by law, except those within incorporated cities, when no fees shall be allowed in case of misdemeanors.

14. Constables, the same fees as are herein directed to be collected by the sheriff for like services, and as follows, to wit: For summoning a jury, one dollar; for making an arrest in criminal cases, one dollar; for traveling to serve any paper, document, warrant of arrest, or process, for each mile necessarily traveled, in going only, to the place of service, ten cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service; *and provided further*, that in no event shall he be allowed any mileage beyond the boundaries or limits of the county. No other fees or allowances shall be allowed.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage for one session of the board shall be allowed, and the additional sum of two hundred dollars each per annum for their services as road commissioners.

Grand and trial jurors shall receive two dollars per day for attendance upon all courts of record, and ten cents mileage per mile, one way, from the place of their residence to the county seat. Jurors and witnesses in civil cases in

justices' courts shall receive the same compensation and mileage as in courts of record.

SEC. 183. *Twenty-first class.* In counties of the twenty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, twenty-five hundred dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, two thousand dollars per annum.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justice of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, a salary to be fixed by the board of supervisors, and paid monthly out of the salary fund, as the salaries of the county officers are paid, such salary to be in full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases. The provisions of this subdivision shall take effect from and after the approval of this act.
15. Supervisors, five hundred dollars each per annum, and twenty cents per mile necessarily traveled, in going only, from their residence to the county seat, and the additional sum of one hundred dollars each per annum for their services as road commissioners; *provided*, that when

the board of supervisors consolidate the duties of county offices, as provided by section fifty-seven of this act, that said offices so consolidated shall receive, as compensation for such consolidated duties, not to exceed the following: —

1. Sheriff and tax collector, six thousand six hundred dollars per annum.

2. Auditor and recorder, two thousand six hundred dollars per annum.

3. Clerk, auditor, and recorder, four thousand one hundred dollars per annum.

4. Clerk and recorder, three thousand five hundred dollars per annum.

5. Clerk and auditor, three thousand one hundred dollars per annum.

6. Treasurer and tax collector, two thousand one hundred dollars per annum.

SEC. 184. *Twenty-second class.* In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand seven hundred and fifty dollars per annum.

2. The sheriff, seven thousand dollars per annum.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand seven hundred and fifty dollars per annum.

9. The coroner, the fees that are now or hereafter may be allowed by law.

10. The public administrator, the same fees as are allowed executors for similar services.

11. The superintendent of schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in the discharge of his official duties, to be audited and allowed periodically by the board of supervisors, not exceeding three hundred dollars per annum.

12. The surveyor, ten dollars per day for each and

every day while engaged in county work, as ordered by the board of supervisors, and necessary traveling expenses incurred in going to and from the place of labor.

13. Justices of the peace, such fees as are now allowed by law, except that for all services and proceedings before a justice of the peace in a criminal action or proceeding, whether on examination or trial, three dollars per day, and ten cents per folio for writing down testimony when required by law.

14. Constables, fees allowed by general fee bill of eighteen hundred and seventy.

15. Supervisors, each, the sum of six hundred dollars per annum, and twenty cents a mile for each mile of travel to and from their residence and the place of holding their meeting.

16. The officers named in section one hundred and eighty-four of this act, except three supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of supervisors.

SEC. 185. *Twenty-third class.* In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum; *provided*, the superintendent of schools may, with the consent of the board of supervisors, employ a deputy for such time as said board shall deem necessary, to enable the superintendent to visit the schools of his county as provided for by law. Said deputy shall receive from the county a salary, to be fixed by said board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. The supervisors, each, the sum of six dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence, to the county seat, at each session of the board.

SEC. 186. *Twenty-fourth class.* In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county; *provided*, he shall devote his entire time to the duties of said office.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that when the actual trial or examination of a criminal case shall exceed six hours' time, then said justice shall receive fifty cents per hour for each additional hour actually engaged in the trial or examination.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, five hundred dollars each per annum.

16. The following fees are allowed to the officers hereinafter named for the performance of services required of them by law, as herein provided; and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fee collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

SHERIFF'S FEES.

For serving summons, each defendant, one dollar; for taking bond or undertaking, fifty cents; copies of writ or other paper, per folio, fifteen cents; serving every notice, rule, or order, fifty cents; serving subpœna, each witness, twenty-five cents; attachment, one dollar and fifty cents; levying execution, one dollar and fifty cents; executing order of arrest, one dollar and fifty cents; executing order for delivery of personal property, one dollar and fifty cents; keeper's fees, to be allowed by court, not exceeding, per day, three dollars; attachment on vessel, one dollar and fifty cents; care of vessel under attachment, all necessary expenses allowed by court, and, in addition, per day, three dollars; for selling any boat, vessel, or tackle, apparel, or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as on execution; for advertising property for sale on execu-

ion, or under any judgment or order of sale, exclusive of ost of publication, one dollar; commissions on sale, two er cent on the first one thousand dollars, and one per cent on all sums above that amount; commissions, without levy or sale, one and one half per cent on the first one thousand dollars, and one per cent on all over that sum; sheriff's deed, including acknowledgment, four dollars; serving writ of possession or restitution, five dollars; attendance on court of record, per day, three dollars; for holding inquest or trial of right of property, including all service, except mileage, three dollars; arrest in criminal proceeding, two dollars; summoning a grand jury, six dollars; summoning trial jury, three dollars; each additional juror, twenty cents, for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpœna, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, twenty-five cents; for traveling to serve any process in criminal cases, or for taking a prisoner from prison before a court or magistrate, for each mile necessarily traveled, in going only, twenty cents; for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile necessarily traveled, in going only, twenty-five cents; for each additional prisoner, taken at the same time, fifteen cents; for executing every sentence of death, twenty dollars; for all services in justices' courts, the same fees as are allowed to constables.

FEE BILL OF COUNTY CLERK.

For entering suit in the registry, and making necessary entries during the progress of the suit to the final determination thereof, for first folio, fifty cents; for each subsequent folio, twenty-five cents; for issuing every writ or process under seal, except the writ of habeas corpus, fifty cents; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, twenty-five cents;

for entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents; for entering every cause on the calendar and making copy thereof for bar, for each term of court, fifty cents; for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, fifteen cents; for acknowledgment, first name, fifty cents, each additional name, twenty-five cents; for indexing every suit, each name, ten cents; for filing and entering papers on transfer of cause to other courts, including certificate of order, two dollars; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justice's court, for each case, three dollars; all subsequent services on appeal at same rates as above provided for similar services, for issuing letters testamentary, administration, or guardianship, fifty cents; for writing and posting each notice required, twenty five cents; for each notice of publication, in addition to the cost of publication, unless such notice is prepared by the petitioner or his attorney therein, fifty cents; for calling and swearing every jury or venire, twenty-five cents; for calling and swearing every jury to try cause, fifty cents; for receiving and entering verdict of jury, fifty cents; for entering final judgment, first folio, one dollar; for each subsequent folio, twenty-five cents; for making up and filing judgment roll, fifty cents; for each entry of judgment on docket, twenty-five cents; for entering satisfaction or credit on docket, twenty-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty five cents; for copy of any proceeding, record, or paper, per folio, fifteen cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, one dollar; for writing down testimony of witness during trial, per folio, twenty-five cents; for issuing execution or other final process, under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents; for receiving and filing every remittitur from supreme court and accompanying papers, one dollar; for taking and approving each undertaking or bond, fifty cents; for recording wills or other papers, each folio, fifteen cents; for marriage license and affidavit, two dollars

and fifty cents; pension and naturalization papers, no charge

RECORDER'S FEES.

For each instrument, per folio, fifteen cents; for copies of record, per folio, fifteen cents; for indexing, each name, ten cents; for certificate under seal, fifty cents; for discharge of instrument on margin, fifty cents; for searching record, each year, per name, twenty-five cents; for abstract of title, each conveyance, fifty cents; for recording maps, each course, ten cents; for figures and letters on maps, twenty-five cents; for topography, each creek, river, road, or mountain, twenty-five cents; for acknowledgment, per first name, fifty cents; for acknowledgment, each additional name, twenty-five cents; for marriage license, one dollar; for official bond, one dollar; for building contracts, filed only, one dollar; for transcript in estray cases, etc., one dollar; for marks and brands, fifty cents; for filing papers not for record, twenty-five cents; for filing each instrument for record, twenty-five cents.

SEC. 187. *Twenty-fifth class.* In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand two hundred and fifty dollars per annum.
2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed.
3. The recorder, three thousand two hundred and fifty dollars per annum.
4. The auditor, twelve hundred dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, one thousand eight hundred dollars per annum.
7. The assessor, three thousand two hundred and fifty dollars per annum.
8. The district attorney, twenty-five hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, three hundred dollars per annum as supervisors, and three hundred dollars per annum as road commissioners.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

SEC. 188. *Twenty-sixth class.* In counties of the twenty-sixth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, one thousand six hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now and hereafter may be allowed by law.

10. The public administrator, such fees as are now and hereafter may be allowed by law.

11. The superintendent of schools, sixteen hundred and fifty dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day during the session of the board, and not to exceed in the aggregate four hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat; *provided*, that mileage shall be allowed only once for each session.

SEC. 189. *Twenty-seventh class.* In counties of the twenty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand five hundred dollars per annum.

2. The sheriff, five thousand dollars per annum.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, fifteen hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, each, the sum of five hundred dollars

per annum, together with mileage at the rate of thirty cents per mile at each regular session of the board, for each mile traveled, in going only.

SEC. 190. *Twenty-eighth class.* In counties of the twenty-eighth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the county treasury.

2. The sheriff, six thousand dollars per annum.

3. The recorder, eighteen hundred dollars per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the county treasury.

4. The auditor, six hundred dollars per annum.

5. The tax collector, one thousand dollars per annum.

6. The treasurer, fifteen hundred dollars per annum.

7. The assessor, two thousand four hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile, from his

as required by law, for each folio, fifteen cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, two dollars; for serving a subpœna, for each witness summoned, twenty-five cents; for traveling, to be computed in all cases from the courthouse, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point to complete such service), for each mile necessarily traveled, in going only, twenty five cents; for commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent, on all sums above that amount, one per cent; for commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount; the fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum directed herein; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before *delivery*, two dollars and fifty cents; *for executing a certificate of sale*, exclusive of the *filing and recording the same*, one dollar; for summon-

SEC. 192. *Thirtieth class.* In counties of the thirtieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, fifteen hundred dollars per annum.

2. The sheriff, four thousand two hundred and fifty dollars per annum.

3. The recorder, fifteen hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, eighteen hundred dollars per annum; *provided*, said assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the county treasury upon an order of the board of supervisors; *provided*, that pay for such deputy shall not be allowed for more than one hundred and twenty-five days in any one year.

8. The district attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge; *provided*, that if the board of supervisors shall, by ordinance, provide that the superintendent of schools shall not engage in teaching school during his term of office and devote his entire time to the duties of his office, then such superintendent shall receive the sum of twelve hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law, and such sum as the supervisors may deem just for services rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed therefor in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, four hundred dollars each per annum, and mileage at the rate of ten cents per mile to and from their respective residences to the county seat; *provided*, that but one mileage, at any one meeting of the board, shall be allowed; *provided*, that when a member is absent, unless in case of sickness, during the whole of a regular or special meeting of the board of supervisors, or board of equalization, or canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held; *and provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of either of said boards, the sum of twelve and fifty one-hundredths dollars shall be deducted from his salary for the month during which such regular or special meeting may be held, for each day's absence. The auditor, before drawing his warrant for the salary of supervisors, shall ascertain from the minutes of the board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided. The provision hereof respecting the salary for the county assessor and expenses of superintendent of schools and supervisors shall take effect immediately. The provisions of this section in relation to the fixing of salaries for the district attorney and of the superintendent of schools, so far as affected by the proviso of division eleven of this section, shall take effect and be in force on and after the first Monday after the first day of January, eighteen hundred and ninety-one.

The following fees are allowed to the officers hereinafter named, for the performance of services required of them by law, as herein provided, and such officers may demand, charge, demand, and receive, and must pay the same when received into the treasury of the county, except

where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF COUNTY CLERK AND EX OFFICIO CLERK OF THE SUPERIOR COURT.

The county clerk and ex officio clerk of the superior court shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, excepting the issuance of writs and approval of bonds, to the rendition of judgment, in the aggregate, five dollars. For indexing each name of parties to an action, ten cents; for each writ issued, fifty cents; for approving bond, fifty cents; for entry of judgments by default, two dollars and fifty cents; for the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed five folios, two dollars and fifty cents; *provided*, trial is conducted in one day, and for each additional day, two dollars and fifty cents. For recording each folio in excess of ten folios, twenty-five cents; for filing and entering papers on transfer of cases from other courts, including indexing, as provided by this act, five dollars; for transmission of files, on transfer of causes to other courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, and to claimants to bills against counties, fifty cents; for issuing commissions to take testimony, fifty cents; for taking and certifying depositions, twenty cents per folio; for taking acknowledgments, one dollar; for taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, twenty cents a folio; for searching files of each year, except for suitors or their attorneys, one dollar; for services performed in cases appealed from justice's court before trial, two dollars; for filing transcript of judgment of justice's court, for docketing cause, and issuing execution thereon, two dollars; for satisfying judgment, when entry is made on margin of judgment-book by attorney, or judgment creditor, or upon return of sheriff, fifty cents; for copies of

to the coroner's office, the justice of the peace who shall act when the coroner shall be absent or unable to attend shall receive the same fees as are allowed to the coroner for similar services. When the venue shall be changed in a civil case, the justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the justice shall be required to transmit the papers, and the justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the justices. In cases of appeal, all fees of the justice, including those on trial and those on appeal, must be paid before the justice shall be required to forward the papers to the county clerk.

14. The constables shall receive as compensation the fees hereinafter respectively designated, viz.:—

First. For serving summons in civil cases, fifty cents.

Second. For summoning any jury before a justice of the peace, including mileage, two dollars.

Third. For making sales of estrays, the same fees as for sales on execution.

Fourth. For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however*, that mileage shall be allowed but one way for all services performed by constables.

Fifth. For all other services, including mileage, the same fees as are allowed the sheriff for similar services.

15. The supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

SEC. 194. *Thirty-second class.* In counties of the thirty-second class, the county officers shall receive, as compensation for the *services required of them by law or by virtue of their office, the following* salaries, to wit: —

1. *The county clerk, two thousand four hundred dol-*

ceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents; for the trouble and expense of taking and keeping possession of and preserving property under attachment or execution, or other process, as the court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents; for comparing copies of papers, five cents per folio; for serving every notice, rule, or order, one dollar; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars; for serving a subpœna, for each witness subpœnaed, thirty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty-five cents; for commissions for receiving and paying over money on executions or other process, on the first one thousand dollars, one and one half per cent; on all sums above that amount, one per cent; the fees herein allowed for the levy of an execution, costs for ad-

vertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

FEES OF RECORDER.

The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instruments, paper, or notice, for each folio, twenty cents; for copies of any record or paper, per folio, twenty cents; for filing or receiving every instrument for record and making the necessary entries thereon, twenty cents; for making in the several indexes required all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents for each name indexed; for any certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, fifty cents; for searching records or files for each year, in his office, twenty-five cents; for certificate of abstract to title, when required, for each conveyance or encumbrance certified, fifty cents; for recording any town plat, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking and writing acknowledgments, including seal, for the first signature, one dollar and fifty cents; for each additional name, fifty cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for recording each mark or brand, fifty cents; for administering and certifying an oath or affirmation, fifty cents; for recording marriage license and certificate, fifty cents; for all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

SEC. 193. *Thirty-first class.* In counties of the thirty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk shall receive as compensation twenty-five hundred dollars per annum.

FEES OF COUNTY CLERK.

At the commencement of each suit the clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant, two dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary, to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the clerk to the party who advanced them, on demand. The clerk of the superior court shall receive, for entering each suit on the clerk's register of actions, and for making the necessary entries therein during the progress of the suit, and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents; for issuing every writ of process under seal, fifty cents, except the writ of habeas corpus; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, fifteen cents; for entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for entering every cause on the calendar, making a copy thereof for the bar, for each term of the court, twenty five cents; for calling and swearing every jury on voir dire, twenty-five cents; for calling and swearing every jury to try cause, twenty-five cents; for receiving and entering each verdict of a jury, twenty-five cents; for entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents; for making up and filing judgment roll, twenty-five cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering every oath or affirmation,

twenty cents; for certifying the same, twenty cents; for copy of any proceeding, record, or paper, per folio, fifteen cents; for every certificate under seal, twenty-five cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents; for issuing every execution or other final process, under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents; for receiving and filing every remittitur from supreme court accompanying papers, fifty cents; for taking and approving each undertaking or bond, twenty-five cents; for taking justification thereto, twenty-five cents; for taking testimony on justification to undertaking or bond, for each folio, fifteen cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court, as required by law, for each name, ten cents; for filing and entering papers on transfer of cases from other courts, two dollars; for transmission of files or transfer of cases to other courts, including certificate of order of transfer, one dollar; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justices' courts, for each case, one dollar; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, twenty-five cents; for recording papers not required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents; for issuing each marriage license, one half to be paid to the county recorder, two dollars; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the judge of the superior court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents; for filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents; for issuing any license required by law, one dollar. For all services in estates of deceased persons fees shall be

charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisement thereof: Estates of the value of five hundred dollars or less, two dollars; estates of five hundred dollars and not exceeding five thousand dollars, ten dollars; estates of five thousand dollars and not exceeding twenty thousand dollars, twenty-five dollars; estates of over twenty thousand dollars, fifty dollars; the two last-named classes of estates shall be charged ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the county clerk shall charge and collect for each action or proceeding commenced in the superior court of said county a fee of one dollar in addition to the fees above mentioned, which sum shall be deposited in the treasury of the county as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the judge of superior court of such county for said purpose; no fees shall be charged for affidavits or certificates for or in behalf of the United States pension applicants.

2. The sheriff shall receive as compensation four thousand five hundred dollars per annum, and his mileage, at the rate of twenty-five cents per mile for each mile necessarily traveled, in going only.

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment, or execution, or other process, such sum as the court may order; *provided*, that no more than three dollars per diem shall be allowed to a keeper; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded

as required by law, for each folio, fifteen cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, two dollars; for serving a subpœna, for each witness summoned, twenty-five cents; for traveling, to be computed in all cases from the courthouse, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point to complete such service), for each mile necessarily traveled, in going only, twenty-five cents; for commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent; for commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount; the fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum directed herein; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents; for executing a certificate of sale, exclusive of the filing and recording the same, one dollar; for summon-

ing a trial jury of twelve persons or less, three dollars: for all services in justices' courts, the same fees as are allowed constables for like services; for conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the state for the conveyance of prisoners to the state prison and conveyance of persons to the insane asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

3. The recorder shall receive as compensation two thousand dollars per annum.

FEES OF RECORDER.

For recording every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for filing every instrument for record, and making the necessary entries thereon, fifteen cents; for each certificate under seal; twenty-five cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents; for searching records or files in his office, for each year, when required, fifty cents; for abstract of title, for each conveyance or encumbrance certified, twenty-five cents; for recording every plat or map, for each course, five cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording transcript, and for all other services in estray cases, one dollar; for recording each mark or brand, fifty cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for recording mining claims and water rights, the same as are allowed for recording any other instrument; for all other services not herein enumerated,

the same fees as are allowed the clerk of the superior court for like services.

4. The auditor shall receive as compensation one thousand five hundred dollars per annum.

5. The treasurer shall receive as compensation fifteen hundred dollars per annum.

6. The tax collector shall receive as compensation eighteen hundred dollars per annum.

7. The assessor shall receive as compensation thirty-five hundred dollars per annum; *provided, however*, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes.

8. The district attorney shall receive as compensation eighteen hundred dollars per annum, and traveling expenses incurred by virtue of his office, to be fixed and allowed by the board of supervisors.

9. The coroner shall receive as compensation the following sums, viz.: For general services in holding an inquest, ten dollars; for each witness subpœnaed, twenty-five cents; for each mile necessarily traveled in going to the place of inquest, twenty-five cents; for directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge; when acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

10. The public administrator shall be allowed and receive such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools shall receive as compensation fifteen hundred dollars per annum, and his necessary traveling expenses, incurred officially, to be fixed and allowed by the board of supervisors.

12. The surveyor shall be allowed and receive such fees as are now or hereafter may be allowed by law.

13. Justices of the peace shall receive as compensation the sums respectively mentioned hereafter, viz.: For entering every case upon his docket, fifty cents; for filing

directed by law to be taken or approved
cents; for taking justification to a bond, f
swearing a jury, fifty cents; for issuing an e
cents; for taking depositions, per folio, fift
issuing search warrant, fifty cents; for affid
warrant, including entry on his docket, wl
other or further action, fifty cents; for e
without process, one dollar; for entering
rule, order, exception, or default, twenty-
entering any final judgment, for the first fo
for every additional folio, fifteen cents; for
ment by confession, and only on affidavit,
the superior court, two dollars; *provided, h*
shall be the duty of the justices of the pe
the county treasury all sums of money by
in all criminal cases for fines or other pu
tering satisfaction of a judgment, fifty cen
commission to take testimony, fifty cents;
of a judgment, order, docket, or paper ir
each folio, fifteen cents; for making up an
transcript and papers on appeal, one dollar
for taking acknowledgment of any instrume
name, fifty cents, and for every additional
five cents; for celebrating a marriage, and
tificate thereof to the county recorder, five
services and proceedings before a justice of
criminal action or proceeding, whether on
[illegible] dollars; but there shall be allow

to the coroner's office, the justice of the peace who shall act when the coroner shall be absent or unable to attend shall receive the same fees as are allowed to the coroner for similar services. When the venue shall be changed in a civil case, the justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the justice shall be required to transmit the papers, and the justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the justices. In cases of appeal, all fees of the justice, including those on trial and those on appeal, must be paid before the justice shall be required to forward the papers to the county clerk.

14. The constables shall receive as compensation the fees hereinafter respectively designated, viz.:—

First. For serving summons in civil cases, fifty cents.

Second. For summoning any jury before a justice of the peace, including mileage, two dollars.

Third. For making sales of estrays, the same fees as for sales on execution.

Fourth. For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however*, that mileage shall be allowed but one way for all services performed by constables.

Fifth. For all other services, including mileage, the same fees as are allowed the sheriff for similar services.

15. The supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

SEC. 194. *Thirty-second class.* In counties of the thirty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, two thousand four hundred dol-

lars per annum. All fees collected by him shall be paid into the county treasury for the use of the county.

2. The sheriff, five thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum, and the recorder shall charge and collect, for the use of the county, and pay into the county treasury, the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, for each folio, fifteen cents; for indexing every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing and indexing same, twenty-five cents; and all fees collected by him shall be paid into the county treasury for the use of the county. The provisions of this subdivision shall take effect from and after the date of approval of this act.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents; for issuing any writ or process by which suit is commenced, twenty-five cents; for entering every cause upon his docket, forty cents; for en-

dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search-warrant, to be paid by party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for abstract of judgment, one dollar; for copy of judgment, order, proceeding, or paper in his office, for each folio, twenty cents; for taking depositions, in either civil or criminal cases, per folio, twenty cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars; all fees, including those on trial and those on appeal, must be paid before the justice shall be compelled to forward any papers on appeal; in cases where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including making up and transmitting the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him; and all fees must be paid before the justice shall be compelled to forward any papers; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with posting estrays, including the transcript for the recorder, three dollars; for celebrating marriage, and returning certificate to the recorder, five dollars; for issuing a warrant of arrest, two dollars; for trial or examination in criminal actions, three dollars; for taking bail after commitment, one dollar.

14. Constables, such fees as now or may hereafter be allowed by law.

15. Supervisors, the sum of four hundred dollars per annum, together with twenty cents per mile for traveling from his place of residence to the county seat.

16. The officers named in section one hundred and ninety nine of this act, except three supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first

by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, the issuance of all writs, and approval of all bonds, to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents; for entry of judgments by default, two dollars and fifty cents; for the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed ten folios, two dollars and fifty cents; for recording each folio in excess of ten folios, ten cents; for filing and entering papers on transfer of cases from other courts, including indexing, as provided by this act, two dollars and fifty cents; for transmission of files, on transfer of causes to other courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents; for issuing commissions to take testimony, fifty cents; for taking and certifying depositions, twenty cents per folio; for taking acknowledgments, one dollar; for taking justification of sureties, twenty-five cents for each surety; and for taking testimony thereon, ten cents a folio; for searching files of each year, except for suitors or their attorneys, one dollar; for services performed in cases appealed from justice's court, before trial, two dollars; for filing transcript of judgment of justice's court, for docketing cause, and issuing execution thereon, two dollars; for satisfying judgment, when entry is made on margin of judgment-book by attorney or judgment creditor, or upon return of sheriff, twenty-five cents; for copies of papers, records, or files of his office, ten cents per folio, exclusive of charges for certifying; for filing and indexing articles of incorporation, two dollars; for exemplifying copy of articles of incorporation under the act of congress, two dollars; for filing certificate of election of officers of incorporations, twenty-five cents; for recording certificate of incorporation, ten cents per folio; for filing and indexing certificates of copartnership, fifty cents; for issuing marriage license, two dollars; for filing any bond or other instrument required by law to be filed in his office, fifteen cents; and for recording the same, when re-

quired by law, ten cents per folio; for certificate to dismiss appeal, when prepared by the clerk, two dollars and fifty cents; and when prepared or furnished by attorney or party, fifty cents; for comparing copies of papers or transcripts, five cents per folio; for filing papers and issuing letters testamentary, or of administration, guardianship, or special administration, in any case, two dollars; for services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars, and one dollar for each additional one thousand dollars in value, as shown by the inventory; for administering and certifying oaths in all estates, except oaths administered in open court, twenty-five cents; for recording any order or paper in an estate where the number of folios exceeds ten, for each folio exceeding ten, ten cents; the valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the clerk upon the filing of such inventory, except such as accrue after the filing of such inventory.

2. The sheriff, six thousand dollars per annum; *provided*, that the sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents; for the trouble and expense of taking and keeping possession of and preserving property under attachment or execution, or other process, as the court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty

cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars; for serving a subpœna, for each witness subpœnaed, thirty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty cents; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent; for fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

3. The recorder, two thousand dollars per annum; *provided*, that the recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instrument, paper, or notice, for each folio, ten cents; for copies of any record or paper, per folio, ten cents; for filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents; for making, in the several indexes required, all the entries required of

the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents; for any certificate under seal, twenty-five cents; for every entry of discharge of mortgage or other instrument on margin of record, twenty-five cents; for searching records and files for each year, in his office, twenty-five cents; for abstract of certificate of title, when required, for each conveyance or encumbrance certified, twenty-five cents; for recording any town plat, for each course, ten cents; for figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking and writing acknowledgments, including seal, for the first signature, one dollar; for each additional name, fifty cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty cents; for recording each mark or brand, fifty cents; for administering and certifying on oath or affirmation, twenty-five cents; for all other services not herein enumerated, the same fees as are now or hereinafter may be allowed by law.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, twenty-four hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, one thousand two hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, six hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to

and from the place of meeting of the board; *provided*, that only one mileage at any one session of the board shall be allowed.

16. In counties of this class there shall be a deputy superintendent of schools, to be appointed by the superintendent of schools of said county, and to remain in office during the pleasure of the superintendent of schools thereof. The salary of the deputy superintendent of schools herein provided for is hereby fixed at the sum of nine hundred dollars per annum. The salary of the officer herein provided for shall be paid in equal monthly installments, at the same time and in the same manner as the salaries of the other county officers; and the provisions of this subdivision shall take effect from and after the date of approval of this act.

SEC. 196. *Thirty-fourth class.* In counties of the thirty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The chief clerk, two thousand dollars per annum.
2. The sheriff, five thousand dollars per annum.
3. The recorder, one thousand five hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, six dollars per day while employed, and mileage.

SEC. 197. *Thirty-fifth class.* In counties of the thirty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that all fees collected by him shall be paid into the county treasury for the use of the county.

2. The sheriff, five thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum; and the recorder shall charge and collect for the use of the county and pay into the county treasury the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, for each folio, fifteen cents; for indexing every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents; and the recorder shall keep a book, known as miners' record-book, and shall keep therein a record of all mining claims in the county brought to him to be recorded; and all fees collected by him shall be paid into the county treasury for the use of the county. The provisions of this subdivision shall take effect from and after the date of approval of this act.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents; for issuing any writ or process by which suit is commenced, twenty-five cents; for entering every cause upon his docket, forty cents; for entering any final judgment, for the first folio, fifty cents; for each additional folio, fifteen cents; for taking or approving any bond or undertaking directed by law, twenty-five cents; for taking depositions, per folio, fifteen cents; for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents; for entering judgment by confession, and only on affidavit, one dollar and fifty cents; *and provided further*, that, at the option of the justice of the peace, the plaintiff shall give a good and sufficient bond for the costs of suit, on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this act.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage shall not exceed twelve and one half cents for each mile necessarily traveled in the discharge of the duties of his office; *provided*, that in no case shall a constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; *and provided*, that his fee for making an arrest in a civil or criminal action shall be one dollar and fifty cents; *and provided further*, that in serving a subpœna or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twelve and one half cents per mile, for each mile traveled, to the most distant point; for conveying a prisoner, when under arrest, the necessary expense actually paid for transportation. The provisions of this subdivision shall take effect from and after the date of the approval of this act.

15. Supervisors, six dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to county seat.

SEC. 198. *Thirty-sixth class.* In counties of the thirty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, one thousand five hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand five hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, two thousand five hundred dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, one thousand two hundred dollars per annum, and actual expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed be law.
15. Each supervisor, five dollars per day while in session, and twenty cents per mile for traveling from his place of residence to the county seat. The board of supervisors may, when requested by the official reporter of the superior court and recommended by the judge thereof, allow said reporter such monthly salary as may be deemed reasonable, but which shall not be less than fifty dollars, in lieu of the fees which now are or which

hereafter may be allowed him by law, as a charge against the county for attendance on said superior court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the county auditor shall not draw his warrant for said salary except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

SEC. 199. *Thirty-seventh class.* In counties of the thirty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, one thousand dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, fifteen hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace shall receive the following fees: In civil actions, for filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, one dollar; for entering such cause in his docket, fifty cents; for issuing subpœna, for each witness, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for issuing writ of attachment, or of arrest, or for delivery of property, two dollars; for entering any final judgment, three dollars; for entering any motion, rule, or order, twenty-five cents; for swearing a jury, one

dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search-warrant, to be paid by party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for abstract of judgment, one dollar; for copy of judgment, order, proceeding, or paper in his office, for each folio, twenty cents; for taking depositions, in either civil or criminal cases, per folio, twenty cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars; all fees, including those on trial and those on appeal, must be paid before the justice shall be compelled to forward any papers on appeal; in cases where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including making up and transmitting the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him; and all fees must be paid before the justice shall be compelled to forward any papers; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with posting estrays, including the transcript for the recorder, three dollars; for celebrating marriage, and returning certificate to the recorder, five dollars; for issuing a warrant of arrest, two dollars; for trial or examination in criminal actions, three dollars; for taking bail after commitment, one dollar.

14. Constables, such fees as now or may hereafter be allowed by law.

15. Supervisors, the sum of four hundred dollars per annum, together with twenty cents per mile for traveling om his place of residence to the county seat.

16. The officers named in section one hundred and ety-nine of this act, except three supervisors, shall be cted in the year eighteen hundred and ninety-four, and ll hold office for the period of four years from the first

Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of supervisors.

SEC. 200. *Thirty-eighth class.* In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand five hundred dollars per annum.
3. The recorder, twelve hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, seven hundred and fifty dollars per annum; *provided*, said tax collector shall be allowed one deputy, whose compensation shall not exceed four dollars per day, to be paid out of the county treasury, upon order of the board of supervisors; *provided*, such deputy shall not be allowed pay for more than one hundred days in any one year.
7. The assessor, nineteen hundred dollars; *provided*, said assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the county treasury upon order of the board of supervisors; *provided*, such deputy shall not be allowed pay for more than one hundred and twenty-five days in any one year.
8. The district attorney, one thousand four hundred dollars per annum; and for every conviction, twenty-five dollars, to the amount of five hundred, and no more; if any more, it goes to the county.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as may now or hereafter be allowed by law.
11. The superintendent of schools, one thousand dollars per annum, and one hundred dollars for traveling expenses. The supervisors may allow him two hundred dollars additional for traveling expenses.
12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall be allowed the following fees: In civil actions, for filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, one dollar; for entering such cause in his docket, fifty cents; for issuing subpœnas, for each witness, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for issuing writ of attachment for arrest or for delivery of property, two dollars; for entering any final judgment, three dollars; for entering any motion, rule, or order, twenty-five cents; for swearing a jury, in either criminal or civil actions, one dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search-warrant, to be paid by the party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for each day's services in criminal or civil cases, either on trial, examination, or hearing, five dollars; for abstract of judgment, one dollar; for copy of judgment, order, proceeding, or paper in his office, for each folio, twenty-five cents; for taking depositions in either civil or criminal cases, per folio, twenty-five cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars; all fees, including constables' fees and those on trial and on appeal, must be paid before the justice shall be compelled to forward any papers on appeal; in cases where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmitting the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him, and the fees must be paid before the justice shall be compelled to forward any papers; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with posting estrays, including the tran-

script for the recorder, three dollars; for celebrating marriage, and returning certificate to recorder, five dollars; for hearing and accepting a complaint in criminal actions, three dollars; for issuing a warrant of arrest, two dollars; for taking bail after commitment, two dollars.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors shall receive four hundred dollars per annum, and salary shall cover all traveling expenses to and from their respective residences to the county seat.

SEC. 201. *Thirty-ninth class.* In counties of the thirty-ninth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand four hundred dollars per annum.

2. The sheriff, five thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage

shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of the duties of his office; *provided*, that the fees for constables in cases of vagrancy shall in no case become a county charge to exceed one hundred dollars per month to any one constable.

15. Supervisors, six dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

SEC. 202. *Fortieth class.* In counties of the fortieth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand six hundred dollars per annum.

2. The sheriff, two thousand five hundred dollars per annum.

3. The recorder, thirteen hundred dollars per annum.

4. The auditor, five hundred dollars per annnm.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, fifteen hundred dollars per annum, with commission for collecting poll and personal property tax.

8. The district attorney, one thousand dollars per annum, with traveling expenses when on official business.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, eight hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, a per diem of five dollars; *provided*, that it do not exceed three hundred dollars per annum, with mileage at the rate of ten cents per mile.

16. All persons residing in the county who shall be

subpœnaed before a superior court as a witness in any criminal case shall receive the same fees and be paid in the same manner as trial jurors before the superior court. This subdivision shall take effect on the first day of January, eighteen hundred and ninety-two.

SEC. 203. *Forty-first class.* In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand six hundred dollars per annum.
2. The sheriff, three thousand five hundred dollars per annum.
3. The recorder, nine hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, two thousand dollars per annum.
8. The district attorney, one thousand six hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, one thousand five hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of his duties; *provided*, that in no case shall a constable receive for service in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars.
15. Supervisors, five dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

SEC. 204. *Forty-second class.* In counties of the forty-

second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand dollars per annum.

4. The auditor, nine hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, seven hundred dollars per annum.

7. The assessor, one thousand eight hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, three hundred dollars per annum.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that whenever such justices are engaged to exceed one day in trial or examination of criminal cases, they shall receive for each day so engaged the sum of three dollars.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors shall receive seven dollars per diem and twenty-five cents per mile in traveling to and from their respective residences to the county seat. All of which compensation, in the aggregate, shall not exceed four hundred dollars per annum each.

SEC. 205. *Forty-third class.* In counties of the forty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, fifteen hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, one thousand eight hundred dollars per annum.
8. The district attorney, one thousand five hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, twelve hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum. The board of supervisors may, when requested by the official reporter of the superior court, and recommended by the judge thereof, allow said reporter such monthly salary as may be deemed reasonable, but which shall not be less than twenty-five dollars in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said superior court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the county auditor shall not draw his warrant for said salary except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

SEC. 206. *Forty-fourth class.* In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand three hundred dollars per annum.
2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only
3. The recorder, four hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, three hundred and fifty dollars per annum.
7. The assessor, sixteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum, and necessary traveling expenses, to be allowed by the board of supervisors.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, six hundred and twenty-five dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now collected by sheriff for similar services.
15. Supervisors, five dollars per diem for each day they hold sessions (not to exceed the sum of five hundred dollars in any one year), and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat; *provided*, that only one mileage shall be allowed at each time.

SEC. 207. *Forty-fifth class.* In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, two thousand five hundred dollars per annum.
3. The recorder, eight hundred dollars per annum.

4. The auditor, four hundred dollars per annum.
5. The treasurer, eight hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, one thousand two hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, seven hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home going to and from the county seat, at each sitting of the board of supervisors.

SEC. 208. *Forty-sixth class.* In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, one thousand two hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, one thousand two hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, six hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, eight dollars per day, the aggregate amount of each supervisor not to exceed three hundred dollars per year.

SEC. 209. *Forty-seventh class.* In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, twelve hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, six hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, six dollars per day, the aggregate amount to be paid each supervisor not to exceed three

hundred dollars per year, and twenty-five cents per mile for each mile necessarily traveled in going to the county seat to attend sessions of the board.

SEC. 210. *Forty-eighth class.* In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, three thousand eight hundred dollars per annum.
3. The recorder, six hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, one thousand two hundred dollars per annum.
6. The tax collector, seven hundred dollars per annum.
7. The assessor, one thousand two hundred dollars per annum.
8. The district attorney, twelve hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, five hundred dollars per annum, and one hundred dollars in addition as traveling expenses.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law, and such sums as the supervisors may deem just for service rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed in any one case.
14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the constable's mileage shall not exceed twenty-five cents per mile, counting one way only.
15. Supervisors, five dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

16. When the fees earned by the county clerk and county recorder in any one month are more than the amount of his salary, then the said county clerk and county recorder shall be allowed to retain one half of such fees which are over and above the amount of his salary for his own use; *provided*, that the provision of this section shall not apply to the present incumbent in office.

17 The officers mentioned in section fifty-seven of this act, except as hereinafter provided, shall be elected in the year eighteen hundred and ninety-two and every four years thereafter, and shall take office at twelve o'clock, meridian, on the first Monday after the first day of January next succeeding their election; *provided*, that supervisors, assessors, and superintendents of schools shall be elected as hereinbefore provided in this act. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified.

SEC. 211. *Forty-ninth class.* In counties of the forty-ninth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand two hundred dollars per annum; *provided*, that the county clerk be and is hereby allowed a deputy from and after July first, eighteen hundred and ninety-one, until January first, eighteen hundred and ninety-three, at a salary of fifty dollars per month, in addition to his regular salary as clerk.

2. The sheriff, three thousand dollars per annum.

3. The recorder, eight hundred dollars per annum

4. The auditor, four hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, one thousand two hundred dollars per annum.

8. The district attorney, one thousand dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, seven hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from places of residence to county seat, at each sitting of the board.

SEC. 212. *Fiftieth class.* In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand six hundred dollars per annum.

2. The sheriff, four thousand dollars per annum.

3. The recorder, eight hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, one thousand two hundred dollars per annum, including deputy, at the option of the board of supervisors, at a salary not exceeding one hundred dollars per month.

8. The district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per day, not exceeding three hundred dollars per annum, for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 213. *Fifty-first class.* In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, one thousand two hundred dollars per annum.
3. The recorder, nine hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, six hundred dollars per annum.
6. The tax collector, six hundred dollars per annum.
7. The assessor, six hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, three hundred dollars each per annum, and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

SEC. 214. *Fifty-second class.* In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand two hundred dollars per annum.
2. The sheriff, one thousand five hundred dollars per annum.
3. The recorder, four hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, six hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The district attorney, six hundred dollars per annum.
8. The assessor, six hundred dollars per annum, including a deputy, at the option of the board of supervisors, at a salary not exceeding one hundred dollars per month.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, one hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. The justice of the peace, such fees as are now or may hereafter be allowed by law.
14. The constables, such fees as are now or may hereafter be allowed by law.
15. The supervisors shall not receive over two hundred and fifty dollars per annum, and shall be paid five dollars for each day actually employed in the discharge of the duties of their office, together with mileage, at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 215. *Fifty-third class.* In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, five hundred dollars per annum.
2. The sheriff, five hundred dollars per annum.
3. The recorder, three hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.

8. The district attorney, three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

SEC. 216. *Full compensation.* The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers therein named, either as officers or ex officio officers, their deputies and assistants, unless in this act otherwise provided; and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; *provided, however*, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes; *and provided further*, that the board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix the price at which such prisoners shall be boarded, if not otherwise provided for in this act; *provided further*, that the sheriff shall be entitled to receive and retain for his own use five dollars per diem for conveying prisoners to and from the

state prisons, and for conveying persons to and from the insane asylums or other state institutions; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action; *and provided further*, that whenever in the opinion of the board of supervisors, the salary of any county officer in the third, fifth, ninth, eleventh, twelfth, fourteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-sixth, twenty-eighth, twenty-ninth, thirtieth, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty seventh, thirty-eighth, thirty-ninth, forty-first, fifty-first, and fifty-second classes, as fixed and provided in this act, is insufficient to pay a reasonable compensation for the services required to be performed, the said board may allow such officer a deputy or clerk, or such number of deputies or clerks, as in their judgment may be required to do the business of said office in connection with the principal, at a salary not to exceed one hundred dollars per month, to be paid at the times and in the manner that said principal is paid; *provided*, that an affidavit shall be filed by such officer with the said board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. In any county in this state, where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and eighty-seven, or shall hereafter be increased, the board of supervisors of such county may, in their discretion, allow the sheriff thereof one additional deputy for each additional judge elected or appointed, because of such increase in the number of judges; and said board may, in their discretion, also allow the clerk of such county one deputy for each additional judge appointed, because of such increase in the number of judges. In counties where two additional judges shall have been or may be appointed under any

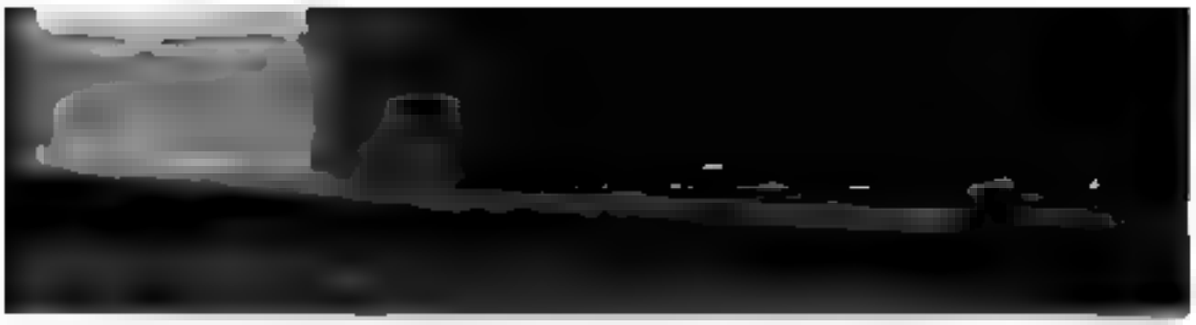
law increasing the number of judges, passed since January first, eighteen hundred and eighty-seven, the clerk shall also be allowed an additional deputy clerk, to act as register clerk. The compensation to be paid all deputy clerks appointed hereunder shall be one hundred and twenty-five dollars per month, and such compensation shall be paid monthly, in the same manner that other county officers are paid. The compensation to be paid deputy sheriffs appointed hereunder shall be five ($5) dollars for each day's actual attendance upon the superior court, which compensation shall be paid by the county monthly, in the same manner that other county officers are paid. Whenever the salary or compensation of any officer is increased or diminished by the terms of this act, the provisions hereof so increasing or diminishing such salary or compensation shall not, except as herein otherwise provided, apply to or affect present incumbents, except as to the per diem and expenses to be paid to the sheriff for conveying persons to and from the insane asylums, and conveying prisoners to and from the state prisons or other state institutions; *provided*, that the per diem allowed to sheriffs by this section for taking persons and prisoners to and from the insane asylums and state prisons and other state institutions shall be a state charge, and payable out of the state treasury, upon the warrants of the controller, after having been audited by the state board of examiners or auditors.

FEES TO BE PAID INTO THE COUNTY TREASURY.

SEC. 217. *All fees to be paid into treasury.* All salaried officers of the several counties of this state shall charge and collect, for the use of their respective counties, and pay into the county treasury on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except the percentage hereinbefore allowed such officers, and excepting, also, such fees as are a charge against the county.

FEE-BOOK.

SEC. 218. *Fee-book.* Each of the officers authorized to receive fees under the provisions of this act must keep a fee-book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees



or compensation of whatever nature, kind, or description collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee-books kept by him to the county auditor.

STATEMENT OF FEES.

SEC. 219. *Monthly settlements.* The fees and compensation collected and chargeable for the county in each month shall be paid to the county treasurer on the first Monday in the following month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee-book, duly verified by the officer making payment. The affidavit shall be in the following form: "I, A B, county clerk (or other officer, as the case may be), do swear that the fee-book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of ——, A. D. ——, and that said fee-book shows a full amount received or chargeable in said month, and since my last monthly payment; and neither myself nor, to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee-book, and that the foregoing statement thereof is true and correct."

The treasurer shall file and preserve in his office said statements and affidavit.

SALARY FUND.

SEC. 220. *Salary fund.* For the purpose of paying the salaries provided for in this act, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the county treasurer, from time to time, to transfer to said fund from the general fund of the county such sums as may be necessary to pay said salaries as they become due.

SALARIES — HOW PAID.

SEC. 221. *Salaries, how paid.* The salaries of such officers named in this act as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the county treasurer in favor of each of said officers for the amount of salary due him under the provisions of this act for the preceding month; *provided, however*, that one half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and the remaining one half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said warrants on presentation out of the salary fund of the county treasury.

STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

SEC. 222. *Statement of fees must precede warrant.* The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the county treasurer, showing that he has made the statement and settlement for that month required in this act.

OFFICIAL SERVICES AND FEES.

SEC. 223. *Fees must be tendered first.* The officers mentioned in this act are not in any case, except for the state or county, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

ACCOUNT AND RECEIPT FOR FEES.

SEC. 224. *Must receipt for fees.* Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person, a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so

a conspicuous place in his office a plain and ment of the fees allowed by law to justices and constables, upon pain of forfeiting, for do, fifty dollars, to be recovered, with costs son before any other justice of the peace of t

ILLEGAL FEES.

SEC. 226. *Receiving illegal fees — Penalty.* of supervisors, upon receiving a certified cop ord of conviction of any officer for receiving must declare his office vacant.

SERVICES PERFORMED BY SUCCESSO

SEC. 227. *Must pay for services performed* It shall be the duty of all officers in this s complete the business of their respective o time of the expiration of their respective te case any officer at the close of his term shall successor official labor to be performed, whic duty to perform, he shall be liable to pay to the full value for such services.

NO FEES ON HABEAS CORPUS.

SEC. 228. *No fees for habeas corpus, etc.* compensation of any kind must be charged or any officer for duties performed or services proceedings upon habeas corpus or naturaliza administering or certifying the oath of office.

SEC. 229. Accounts for county charges o scription must be presented to the board of su be audited, as prescribed in this act.

district attorney, incurred in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

4. The sums required by law to be paid to the grand jurors and indigent witnesses and witnesses from without the county in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace for services in the examination of the persons charged with crime, not otherwise provided for by law.

7. The necessary expenses incurred in the support of the county hospitals, poor-houses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The salaries of constables for services rendered in criminal cases in counties where they receive a salary for such services, and the fees of constables in like cases when not salaried therefor.

COST OF CRIMINAL ACTIONS ON REMOVAL.

SEC. 231. *When criminal action is removed for trial.* When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

COSTS ON REMOVAL — HOW CERTIFIED AND PAID.

SEC. 232. *How costs of removal are certified and paid.* The clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county, and such auditor shall audit the same and draw his war-

and tax collector; sheriff, jailer, and superior court bailiff; auditor and recorder; county clerk, auditor, and recorder; county clerk and clerk of board supervisors; county clerk and recorder; county clerk and auditor; the recorder and register of deeds; treasurer and tax collector; public administrator and coroner; transcriber and assessor or tax collector; *provided further*, that in counties where the duties of said officers have been or may hereafter be consolidated in either manner above designated, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated and reconsolidate them in any other manner above provided, and may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by separate persons whenever in their discretion the public interest will be best subserved thereby; *and provided further*, that the board of supervisors in any county may, immediately after passage of this act, appoint, to fill the offices above created, one register of deeds, one clerk of board supervisors, one jailer, one bailiff of the superior court, and one transcriber, whose terms of office shall expire on the first Monday in January, eighteen hundred and ninety-five, at twelve o'clock, M.; and said board shall fix the amount of their official bonds; and when so appointed they shall perform the following duties, to wit: —

REGISTER OF DEEDS.

The register of deeds must, —

1. Procure such books for records as the business of his office requires, but the orders for the same must first be obtained from the board of supervisors. He has the custody of and must keep all books and records in which instruments are transcribed or recorded.

2. Record, without delay, separately, in large and well-bound separate books, in a fair hand, all the instruments, documents, and papers received by the recorder for record, together with the acknowledgments, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedules, and other papers therein annexed, in the order and after the time when the same was received for record, and must note at the foot of the record the exact time of its reception and the name of the person at whose

request it was recorded, as shown by the recorder's indorsement, and must add his certificate that the same is a correct record of the original instrument, document, or notice filed for record.

3. Keep in his office a book, to be called "Certificates of Sale," of real estate sold under execution, or under order made in any judicial proceedings and filed with the recorder.

4. Record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property received by the recorder for record.

5. Immediately after an instrument or document has been recorded by him, he must indorse upon it the book and page in which it is recorded, and return it to the recorder.

6. All books of record, maps, charts, and other papers in his office must, during office hours, be open for inspection by any person who may desire to inspect them, and may be inspected without charge; and he must arrange the books in his office in such suitable places as to facilitate their inspection.

CLERK OF BOARD SUPERVISORS.

The clerk of board of supervisors shall discharge such duties as are now provided by section twenty of said act, approved March thirty-first, eighteen hundred and ninety-one.

JAILER.

The jailer must,—

1. Take charge of and keep the county jail and the prisoners therein.

2. Receive all prisoners arrested by any peace officer of the county, and all sentenced to imprisonment by any magistrate.

3. Deliver any prisoner in the county jail to any sheriff or constable having authority to receive them.

4. Perform such other duties as may be required of him by law, or by the board of supervisors.

SUPERIOR COURT BAILIFF.

The superior court bailiff must,—

1. Attend all courts, except justices' and police courts,

held within his county, and obey their lawful orders and directions.

2. Act as the crier of said courts, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournments of the court, and of any other matter under its direction.

3. Preserve the peace and maintain order in the court.

4. Perform such other duties as may be required of him.

TRANSCRIBER.

The transcriber must, —

1. Transcribe for the county assessor, and under his direction, into the assessment roll, state poll-tax roll, road poll-tax roll, military roll, all data furnished by the assessor, and prepare indexes of said rolls and the reports which assessors are or may be required to make, and fill in assessment blanks.

2. Write up for the county tax collector, and under his direction, all receipts for taxes which he is by law required to furnish.

3. Prepare for the county auditor, and under his direction, all reports, statements, and warrants, and compute the taxes in assessment roll, which he is now required by law to issue and make.

4. Prepare for the treasurer, and under his direction, all statements which he is required to make.

And whenever such officers shall have been so appointed, and have filed their oaths of office and official bonds, as prescribed by law, and shall have entered upon the discharge of their duties herein enumerated, then the sheriff, the county clerk, the assessor, the recorder, the auditor, the treasurer, and the tax collector are hereby relieved of the duties herein imposed upon the officers so appointed; and the penalties for refusal or neglect to perform such duties by and all allowances for expenses to such appointed officers shall be the same as are now by law imposed upon and allowed to the officers whose duty it would be to perform such duties if the appointment herein provided for had not been made; *provided further*, that nothing in this act shall be construed as compelling

the board of supervisors of any county in this state to make such appointments, or any one thereof; and unless and until said appointment of such officers are [is] made by the board of supervisors of any county in this state, as hereinbefore provided, the duties of sheriff, county clerk, assessor, recorder, auditor, treasurer, and tax collector shall not be affected by the provisions of this act; *provided further*, that unless and until the board of supervisors of any county in this state appoint the officers to fill the offices hereby created, or separate the duties of said officers as hereinbefore provided, in any such county, the duties of the offices of sheriff, superior court bailiff, and jailer, and of the offices of recorder and register of deeds, and of the offices of county clerk and clerk of board supervisors, and of the offices of assessor and transcriber, are hereby consolidated.

SEC. 2. *Compensation of officers in counties of sixth class.* Section one hundred and sixty-eight of said act is hereby amended so as to read as follows: —

Section 168. In counties of the sixth class county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salary, to wit: —

1. County clerk, three thousand dollars per annum.
2. Clerk of board supervisors, one thousand two hundred dollars per annum.
3. Sheriff, six thousand five hundred dollars per annum.
4. Jailer, one thousand dollars per annum.
5. Superior court bailiff, —— dollars per annum.
6. Recorder, two thousand five hundred dollars per annum.
7. Register of deeds, two thousand seven hundred dollars per annum.
8. Auditor, one thousand five hundred dollars per annum.
9. Treasurer, two thousand dollars per annum.
10. Tax collector, two thousand dollars per annum.
11. District attorney, two thousand five hundred dollars per annum.
12. Assessor, three thousand dollars per annum.
13. Coroner, five hundred dollars per annum.

(c) From the moving party, on filing notice of motion, for each motion to vacate or set aside any final order or judgment, except in probate cases, and for each motion for new trial, five dollars; which shall be in full for all services to be performed by such clerk, to and including the entry of the order finally granting or denying such motion.

(d) From the appellant, on filing any notice of appeal to the supreme court from any order, judgment, or decree, ten dollars; which shall be in full for all services to be performed by such clerk thereon, to and including the filing of the remittitur from the supreme court on such appeal.

2. In the matter of every estate and guardianship, —

(a) From the petitioner, on filing each petition for letters testamentary, or of administration, or of guardianship of the person or estate of any minor, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing of the inventory and appraisement in the matter of such estate or guardianship.

(b) Upon the filing of each inventory and appraisement, before any further proceedings are had, the sum of one dollar for each and every thousand dollars of the appraised value of the estate of such minor or decedent; which shall be in full for all services to be performed by such clerk in matter of such estate or guardianship, to and including the filing, entry, and recording of the final decree of settlement and distribution therein, or the decree finally partitioning such estate; *provided*, that in all cases where the estate of any decedent shall be summarily distributed in the manner provided by section one thousand four hundred and sixty-nine of the Code of Civil Procedure of this state, ten dollars shall be in full for all services performed therein by such clerk, to and including the final entry and recording of the decree summarily disposing thereof.

(c) On the filing of every petition for the removal of any executor, administrator, or guardian, or the filing of any objection to the probate of any will or testament, or to the appointment of any administrator, executor, or guardian, or the citation of any executor, administrator, or guardian to appear and answer concerning any matter touching such executorship, administratorship, or guar-

dianship, from the person filing such petition, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing and entry of the order or decree finally determining the same.

(*d*) From the appellant, on filing any notice of appeal to the supreme court from any order or decree made in the matter of any estate or guardianship, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing of the remittitur from the supreme court on such appeal.

3. In case of any appeal to the superior court or transfer of any case thereto, —

(*a*) From the appellant, on the receipt of any papers or transcript on appeal from any justice's or inferior court, the sum of five dollars; which shall be in full for all services of such clerk, to and including the entry of final judgment and making and filing of the judgment roll and remitting any order of dismissal or affirmance required by law.

(*b*) From the moving party on the filing of the papers in any case transferred to the superior court from any justice's or inferior court, pursuant to any statute, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the entry of final judgment and making and filing the judgment roll, or the remitting of any order of dismissal or affirmance, or any order remanding such case to any lower court.

(*c*) On the filing of the papers in every case for change of venue made to the superior court on the superior court of any other county, the sum of ten dollars; to be in full for all services to be performed by such clerk, to and including the entry, recording, and docketing of the final judgment and making up and filing of the judgment roll.

4. On the filing of any petition in insolvency, —

(*a*) From the person so filing the same, the sum of ten dollars, which shall be in full for all services to be performed by such clerk in the matter of such insolvency, to and including the order finally determining such matter.

(*b*) From the appellant, on the filing of any notice of appeal from any order or decree made in the matter of such insolvency, ten dollars; which shall be in full for all

20. Supervisors, five hundred dollars each per annum.

21. The following fees are allowed to the officers hereinafter named for the performance of services required of them by law, as herein provided; and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fee collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

SHERIFF'S FEES.

For serving summons, each defendant, one dollar; for taking bond or undertaking, fifty cents; copies of writ or other paper, per folio, fifteen cents; serving every notice, rule, or order, fifty cents; serving subpœna, each witness, twenty-five cents; attachment, one dollar and fifty cents; levying execution, one dollar and fifty cents; executing order of arrest, one dollar and fifty cents; executing order for delivery of personal property, one dollar and fifty cents; keeper's fees, to be allowed by court, not exceeding, per day, three dollars; attachment on vessel, one dollar and fifty cents; care of vessel under attachment, all necessary expenses, allowed by court, and, in addition, per day, three dollars; for selling any boat, vessel, or tackle, apparel, or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as on execution; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of cost of publication, one dollar; commissions on sale, two per cent on the first one thousand dollars, and one per cent on all sums above that amount. Commissions, without levy or sale, one and one half per cent on the first one thousand dollars, and one per cent on all over that sum; sheriff's deed, including acknowledgment, four dollars; serving writ of possession or restitution, five dollars; attendance on court of record, per day, three dollars; for holding inquest or trial of right of property, including all services, except mileage, three dollars; arrest in criminal proceeding, two dollars; summoning a grand jury, six dollars; summoning trial jury, three dollars; each additional juror, twenty cents; for traveling, to be computed in all cases from the court-house, to serve any summons

and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpœna, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, twenty-five cents; for traveling to serve any process in criminal cases, or for taking a prisoner from prison before a court or magistrate, for each mile necessarily traveled, in going only, twenty cents; for taking a prisoner from the place of arrest to prison or before a court or magistrate, for each mile necessarily traveled, in going only, twenty-five cents; for each additional prisoner taken at the same time, fifteen cents; for executing every sentence of death, twenty dollars; for all services in justices' courts, the same fees as are allowed to constables.

FEE BILL OF COUNTY CLERK.

For entering suit in the registry, and making necessary entries during the progress of the suit, to the final determination thereof, for first folio, fifty cents; for each subsequent folio, twenty-five cents; for issuing every writ or process under seal, except the writ of habeas corpus, fifty cents; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, twenty-five cents; for entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents; for entering every cause on the calendar and making copy thereof for bar, for each term of court, fifty cents; for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, fifteen cents; for acknowledgment, first name, fifty cents; each additional name, twenty-five cents; for indexing every suit, each name, ten cents; for filing and entering papers on transfer of cases to other courts, including certificate of order, two dollars; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justice's court, for each case, three dollars; all subsequent services on appeal at same rate as above provided for similar

twenty-five cents; for calling and swe
try cause, fifty cents; for receiving a
of jury, fifty cents; for entering final j
one dollar; for each subsequent folio,
for making up and filing judgment r
each entry of judgment on docket, tw
entering satisfaction or credit on d
cents; for administering oath or affir
cents; for certifying same, twenty-five
any proceeding, record, or paper, per
for every certificate under seal, fifty
every commission to take testimony, o
ing down testimony of witness duri
twenty-five cents; for issuing execution
cess under seal, fifty cents; for copy
order of sale of mortgaged property, fo
cents; for receiving and filing every r
preme court and accompanying papers,
ing and approving each undertaking o
for recording wills or other papers, each
pension and naturalization papers, no ch
license and affidavit, two dollars and fi

RECORDER'S FEES.

For each instrument, per folio, fifteen
of record, per folio, fifteen cents; f
name, ten cents; for certificate, under
for discharge of instrument on margi
searching record, each year, per name,
for abstract of title, each conveyance,
cording name, each course, ten cents; f

building contracts, filed only, one dollar; for transcript in estray cases, etc., one dollar; for marks and brands fifty cents; for filing papers not for record, twenty-five cents; for filing each instrument for record, twenty-five cents.

SEC. 6. *Counties of the thirty-second class.* Section one hundred and ninety-four of said act is hereby amended so as to read as follows: —

Section 194. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. County clerk, twenty-four hundred dollars per annum.

2. Sheriff, fifty-five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum; and the recorder shall charge and collect for the use of the county and pay into the county treasury the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, for each folio, fifteen cents; for indexing every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing and indexing same, twenty-five cents; and all fees collected by him shall be paid into the county treasury, for the use of the county.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

cese by which suit is commenced, twenty-fi
entering every cause upon his docket, forty c
tering any final judgment, for the first folio
for each additional folio, fifteen cents; fo
approving any bond or undertaking directe
be taken or approved by him, twenty-five cer
ing depositions, per folio, fifteen cents; for
judgment, order, docket, proceeding, or p
office, for each folio, fifteen cents; for enterin
by confession or only on affidavit, one doll
cents; *and provided further*, that, at the optio
tice of the peace, the plaintiff shall give a goc
cient bond for the costs of suits on application
of arrest. The provisions of this subdivisior
effect from and after the date of approval of t

15. Constables, such fees as are now or m
be allowed by law, except that the constabl
shall not exceed twelve and one half cents p
each mile necessarily traveled in the discha
duties of his office; *provided*, that in no case
stable receive for services in vagrancy cases,
month, an amount in excess of the sum of thi
and provided, that his fee for making an arre
case shall be one dollar; *and provided furth*
serving a subpœna or venire, when two or n
or witnesses live in the same direction, but o
shall be charged, twelve and one half cents p
each mile traveled to the more distant point; f
ing a prisoner when under arrest, the necessar
actually paid for transportation. The provisi

1. County clerk, fifteen hundred dollars per annum.
2. Clerk of board supervisors, fifteen hundred dollars per annum.
3. Sheriff, thirty-five hundred dollars per annum.
4. Jailer, six hundred dollars per annum.
5. Superior court bailiff, nine hundred dollars per annum.
6. Recorder, fifteen hundred dollars per annum.
7. Register of deeds, fifteen hundred dollars per annum.
8. The auditor, one thousand dollars per annum.
9. The treasurer, two thousand dollars per annum.
10. The tax collector, one thousand dollars per annum.
11. The assessor, two thousand five hundred dollars per annum.
12. The district attorney, two thousand dollars per annum.
13. The coroner, such fees as are now or may hereafter be allowed by law.
14. The public administrator, such fees as are now or may hereafter be allowed by law.
15. The superintendent of schools, one thousand eight hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county; *provided*, he shall devote his entire time to the duties of said office.
16. The surveyor, such fees as are now or may hereafter be allowed by law.
17. Transcriber, twenty-four hundred dollars per annum, payable one hundred dollars per month for months of December, January, February, and March, and two hundred and fifty dollars for each of the other months of the year.
18. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that when the actual trial or examination of a criminal case shall exceed six hours' time, then said justice shall receive fifty cents per hour for each additional hour actually engaged in the trial or examination.
19. *Constables, such fees as are now or may hereafter be allowed by law.*

be allowed by law.

13. The superintendent of schools, one per annum, and one hundred dollars for ti The supervisors may allow him two hun- tional for traveling expenses.

14. The surveyor, such fees as are a after be allowed by law.

15. Justices of the peace shall be allow fees: In civil actions, for filing each pa cents; for issuing any writ of process commenced, one dollar; for entering s docket, fifty cents; for issuing subpœnas twenty-five cents; for administering an tion, twenty-five cents; for certifying t five cents; for issuing writ of attachment delivery of property, two dollars; for en judgment, three dollars; for entering any order, twenty-five cents; for swearing criminal or civil actions, one dollar; for tion, fifty cents; for issuing supersedeas fifty cents; for entering satisfaction of cents; for issuing search-warrant, to be demanding the same, one dollar; for iss to take testimony, one dollar; for taking bond or undertaking directed by law to proved by him, fifty cents; for taking bond, one dollar; for each day's service civil cases, either on trial, examination, dollars; for abstract of judgment, one d judgment, order, proceeding, or paper each folio, twenty-five cents; for taking

compelled to forward any papers on appeal. In cases where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including making up and transmitting the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him, and the fees must be paid before the justice shall be compelled to forward any papers. For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with posting estrays, including the transcript for the recorder, three dollars; for celebrating marriage, and returning certificate to recorder, five dollars; for hearing and accepting a complaint in criminal actions, three dollars; for issuing a warrant of arrest, two dollars; for taking bail after commitment, two dollars.

16. Constables, such fees as are now or hereafter may be allowed by law.

17. Supervisors shall receive four hundred dollars per annum, and salary shall cover all traveling expenses to and from their respective residences to the county seat.

Sec. 9. *Counties of the forty-first class.* Section two hundred and three of said act is hereby amended so as to read as follows: —

Section 203. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. County clerk, one thousand six hundred dollars per annum.

2. Clerk of board of supervisors, four hundred dollars per annum.

3. Sheriff, three thousand five hundred dollars per annum.

4. Superior court bailiff, two hundred and forty dollars per annum.

5. Recorder, nine hundred dollars per annum.

6. Register of deeds, five hundred dollars per annum.

8. Transcriber, sixteen hundred dollars per annum.

9. The auditor, five hundred dollars per annum.

10. The treasurer, one thousand dollars per annum.
11. The tax collector, five hundred dollars per annum.
12. The assessor, two thousand dollars per annum.
13. The district attorney, one thousand six hundred dollars per annum.
14. The coroner, such fees as are now or may hereafter be allowed by law.
15. The public administrator, such fees as are now or may hereafter be allowed by law.
16. The superintendent of schools, one thousand five hundred dollars per annum.
17. The surveyor, such fees as are now or may hereafter be allowed by law.
18. Justices of the peace, such fees as are now or may hereafter be allowed by law.
19. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of his duties; *provided*, that in no case shall a constable receive for service in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars.
20. Supervisors, five dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

SEC. 10. *Counties of fifty-second class.* Section two hundred and fourteen of this act is hereby amended so as to read as follows: —

Section 214. In counties of the fifty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. County clerk, twelve hundred dollars per annum.
2. Clerk of board of supervisors, two hundred dollars per annum.
3. Sheriff, fifteen hundred dollars per annum.
4. Jailer, twelve hundred dollars per annum.
5. Superior court bailiff, six hundred dollars per annum.
6. Recorder, four hundred dollars per annum.
7. The auditor, two hundred dollars per annum.
8. The treasurer, six hundred dollars per annum.

9. The tax collector, three hundred dollars per annum.

10. The district attorney, six hundred dollars per annum.

11. The assessor, six hundred dollars per annum, including a deputy, at the option of the board of supervisors, at a salary not exceeding one hundred dollars per month.

14. The coroner, such fees as are now or may hereafter be allowed by law.

15. The public administrator, such fees as are now or may hereafter be allowed by law.

16. The superintendent of schools, one hundred dollars per annum.

17. The surveyor, such fees as are now or may hereafter be allowed by law.

18. The justice of the peace, such fees as are now or may hereafter be allowed by law.

19. The constables, such fees as are now or may hereafter be allowed by law.

20. The supervisors shall not receive over two hundred and fifty dollars per annum, and shall be paid five dollars for each day actually employed in the discharge of the duties of their office, together with mileage, at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 11. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SEC. 12. *Take effect.* This act shall take effect and be in force immediately from and after its passage.

An act to establish a uniform system of county and township governments.

[Approved March 24, 1866, Stats. 1865, p. 700.]

SECTION 1. *Counties are bodies corporate and politic.* The several counties of this state as they now exist, and such other counties as may be hereafter organized according to law, are bodies corporate and politic, and as such have the powers specified in this act, and such other powers as are necessarily implied.

SEC. 2. *Who may exercise powers.* The powers can only be exercised by the board of supervisors, or by agents and officers acting under their authority or authority of law,

SEC. 3. *Corporate name.* The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties

SEC. 4. *Power of county.* It has power,—

1. To sue and be sued.

2. To purchase and hold land within its limits.

3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.

4. To manage and dispose of its property as the interests of its inhabitants may require.

5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

SEC. 5. *Credit not to be loaned.* No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. No county shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. An indebtedness or liability incurred contrary to this provision shall be void.

SEC. 6. *Liabilities void.* All contracts, authorizations, allowances, payments, and liabilities to pay made, or attempted to be made, in violation of this act shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county; and all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same.

SEC. 7. *County officers liable on bonds.* All supervisors and any other officer authorizing, or aiding to authorize, or auditing or allowing, any claim or demand upon or against said treasury, or any fund thereof, in violation of

any of the provisions of this act shall be liable in person, and upon their several official bonds, to the person or persons damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his or their claims.

SEC. 8. *District attorney to sue to recover moneys illegally paid.* Hereafter, whenever any board of supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid, or whenever any other county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized thereto by the board of supervisors, or by the law, and the same shall have been paid, the district attorney of such county is hereby empowered, and it is hereby made his duty, to institute suit in the name of the county against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the board of supervisors therefor shall be necessary to maintain such suit; *and provided further*, that when the money has not been paid on such order or warrants, it is hereby made the duty of the district attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, for restraining the payment of the same, and no order of the board of supervisors shall be necessary in order to maintain such suit.

SEC. 9. *Duty of judge toward grand jury.* It shall be the duty of the superior judge of each and every county, whenever a grand jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to specially note the result of such investigation in their report.

SEC. 10. *Classification of counties.* The several counties of this state are hereby classified, and shall hereafter remain classified, according to their population as ascertained by the federal census taken in the year eighteen hundred and ninety. And hereafter, whenever a new census is taken, the secretary of state shall, as soon as the same shall be officially ascertained by him, certify

the county clerks of the several counties in this state the population of each county as determined by such new census; and on the even-numbered years thereafter, the several counties are, by operation of law, classified thereunder; but such classification shall not operate to change the government of the county then in existence until the first Monday after the first day of January next succeeding; except that the board of supervisors shall provide for the election of officers and such other matters as shall be necessary to put the county government in operation on the said first Monday after the first day of January, in accordance with the new classification.

SEC. 11. *County seats.* The county seats of the respective counties of this state as now fixed by law are hereby recognized as and declared to be the county seats of the respective counties. No county seat shall be removed unless two thirds of the qualified electors of the county voting on the proposition at a general election shall vote in favor of such removal.

SEC. 12. *Removal of county seats.* Whenever there shall be presented to the board of supervisors of any county a petition, signed by the qualified electors of such county in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the board of supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof; but a proposition of removal of a county seat shall not be submitted in the same county more than once in four years.

SEC. 12½. *Submission of questions on adoption of ordinances, etc.* Whenever there shall be presented to the board of supervisors a petition or petitions, signed by legal voters of said county equal in number to fifty per cent of the votes cast at the last preceding general election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the qualified voters of such county,

it shall be the duty of the board of supervisors, by due proclamation, to submit such proposed ordinance to the vote of the qualified voters of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof. If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of supervisors shall proclaim such fact, and thereupon such ordinance thus adopted shall have the same and equal force and effect as though adopted and ordained by the board of supervisors.

BOARD OF SUPERVISORS.

SEC. 13. *Supervisors.* Each county must have a board of supervisors, consisting of five members.

SEC. 14. *Qualification.* Each member of the board of supervisors must be an elector of the district which he represents, and must have been such for at least one year immediately preceding his election, and shall be elected by such district, and not at large.

SEC. 15. *Terms of office.* The supervisors elected at the general elections held in the years eighteen hundred and eighty-eight and eighteen hundred and ninety, and every four years thereafter, shall hold office for four years. They shall take their office on the first Monday after the first day of January after their election.

SEC. 16. *Boundaries of districts.* The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the supervisor districts of a county; *provided, however*, that said districts shall be kept as nearly equal in population as may be; *and provided further, however*, that the boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any supervisor who has been elected, and whose term of office for which he has been elected has not expired; *and provided further*, that no change in the boundaries of any supervisor district shall be made within the ninety days next preceding a general election.

SEC. 17. *Vacancies.* Whenever a vacancy occurs in the board of supervisors of a county, the governor may

fill the vacancy by appointment, and the appointee shall hold the office until the election and qualification of his successor, as hereinafter provided. Whenever a vacancy occurs in the board of supervisors of a county, the board shall order a special election, to be held in said district on the fifth Tuesday after the vacancy occurs, for the election of a supervisor for the unexpired term, unless a general election shall be held within ninety days after the vacancy occurs; and in such case the election of a supervisor shall be held at the general election, to fill the vacancy for the unexpired term.

SEC. 18. *Chairman.* The supervisors shall elect a chairman, who must preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on the records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths to any person, when necessary, in the performance of his official duties. Not less than three members shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless three members concur therein.

SEC. 19. *Clerk.* The county clerk is ex officio clerk of the board of supervisors. The records and minutes of the board must be signed by the chairman and the clerk.

CLERK OF BOARD.

SEC. 20. *Duties of clerk.* The clerk of the board must, —

1. Record all the proceedings of the board.

2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the board, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the chairman of the board; and thereafter said clerk shall deliver to and leave with the

auditor one of said lists, and shall deliver to and leave with the treasurer the other list.

5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file all accounts acted upon by the board.

7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the board all ordinances or laws passed by the board, and record the same at length in the "ordinance-book."

10. Record all orders levying taxes; and

11. Perform all other duties required by law, or any rule or order of the board.

SEC. 21. *Minute-book.* The board must cause to be kept, —

1. A "minute-book," in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings.

2. An "allowance-book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "road-book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "franchise-book," containing all franchises granted by them, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required.

5. A "warrant-book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute-book, with the date, amount, on what account, and name of payee.

6. An "ordinance-book," in which must be entered all ordinances or laws duly passed by the board.

SEC. 22. *Regular meetings.* The board of supervisors

must, by ordinance, provide for the holding of regular meetings of the board at their respective county seats.

SEC. 23. *Special meetings.* If at any time the business of the county requires a meeting of the board, a special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes of the board. Five days' notice of such meeting must be given by the clerk to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other than that specified must be transacted at such special meeting.

SEC. 24. *Meetings to be public.* All meetings of the board must be public, and the books, records, and accounts must be kept at the office of the clerk, open at all times for public inspection, free of charge.

GENERAL PERMANENT POWERS OF BOARD.

SEC. 25. *General powers.* The boards of supervisors, in their respective counties, have jurisdiction and power, under such limitations and restrictions as are prescribed by law, —

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports, and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within thirty days prior to any election.

4. To lay out, maintain, control, erect, and manage

public roads, turnpikes, ferries, and bridges within the county, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the erection of any bridge exceeds the sum of three thousand dollars, they must advertise for bids, together with plans and specifications, strain-sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to and made a part of such contract; and the person or corporation whose plans are adopted, and to whom the contract is awarded, shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that the road commissioners in their respective districts shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads; *provided, further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

5. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county; erect, officer, and maintain hospitals and poor-houses, in their discretion, therefor, or otherwise provide for the same; and for such purposes to levy the necessary property or poll tax, or both, therefor; *provided*, the board of supervisors shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals and poor-houses, and the board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor.

6. To provide a farm, in connection with the county hospital or poor-house, and make regulations for working the same.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

8. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes,

and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property must be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then by posting such notice, at least three weeks prior to the time when the board will meet to consummate such purchase, in at least three public places in each supervisor district.

9. To cause to be erected, or rebuilt and furnished, a court-house, jail, hospital, and such other public buildings as may be necessary; *provided*, that none of the aforesaid buildings shall be erected or constructed until the plans and specifications shall have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least sixty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

10. To sell at public auction, at the court-house door, after thirty days' previous notice, given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey, to the highest bidder for cash, any property belonging to the county, no longer required for public use, paying the proceeds into the county treasury for the use of the county.

11. To examine and audit, at least every six months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the county treasurer therefor.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

14. The board of supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all members thereof, are empowered, if they deem it for the public interest, to fund and refund the same, and issue bonds of the county therefor, in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:—

No. ——. The county of ——, in the state of California, for value received, promises to pay —— ——, or order, at the office of the treasurer of said county, in ——, on the first day of ——, eighteen hundred and ——, or at any time before that date, at the pleasure of the county, the sum of —— dollars, gold coin of the United States, with interest at the rate of —— per cent per annum, payable at the office of said treasurer, semi-annually, on the first day of —— and —— in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the board of supervisors in conformity with a resolution of said board dated the —— day of ——, eighteen hundred and ——, and under authority conferred upon said board by the provisions of an act of the legislature of California, entitled "An act to establish a uniform system of county governments," approved (insert date of approval of this act).

In testimony whereof, the said county, by its board of supervisors, has caused this bond to be signed by the chairman of the board, and attested by the auditor, with

and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bonds shall cease, and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his post-office address, as shown by the record kept in the treasurer's office. If said bonds are not so presented, interest shall cease and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the post-office address of the owner, as shown by the record kept in the treasurer's office.

(e) If the board of supervisors of any county which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office, and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury, and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

15. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint pound-keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

16. To equalize assessments.

17. To direct and control the prosecution and defense of all suits to which the county is a party, and to employ counsel to assist the district attorney in conducting the same.

18. To insure the county buildings in the name of and for the benefit of the county.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

20. To establish a salary fund, and also such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

21. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors, and elective county or township offices, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term.

22. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county, for the particular benefit thereof, the board may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. Whenever a sanitary district has been formed as is herein provided, it shall then be the duty of the board of supervisors, except in counties of the first class, by ordinance, to appoint a "board of health" which shall consist of not less than three persons. The members of the board shall hold their office for the term of two years, and shall serve without compensation. The board of health so appointed shall have

vision of all the matters appertaining to the sanitary condition of the district, and may make such rules and regulations in relation thereto as are not inconsistent with law. They shall have power, subject to the approval of the board of supervisors, to construct and maintain sewers, and in times of epidemics to locate and establish pest-houses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in carrying out the provisions of this section must be provided for by the board of supervisors, who may make appropriation therefor out of the sanitary district fund, derived from taxes levied in said district, and to be known as the sanitary district fund; *provided*, the board of supervisors of each county may appoint a health-officer in every unincorporated town of five hundred or more inhabitants, and fix the term of office and salary thereof. A health-officer so appointed shall perform all the duties and exercise all the powers of a board of health and health-officer. Whenever three or more health-officers are appointed in a county, they shall constitute a county board of health. All necessary expenses of enforcing this act shall be paid out of the general fund of the county.

22. The boards of supervisors of the several counties, cities and counties, in the state shall annually advertise, for at least ten days, in a newspaper of general circulation in the county (*provided*, that there be a newspaper published in the county), for sealed bids for furnishing the county and its officers for the ensuing year with stationery. Such advertisement shall specify the kind of stationery to be furnished. All bids shall state separately the price of each article of stationery to be furnished. In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid; and all such supplies furnished to the county, or any officers thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board. The board of supervisors shall annually fix the price at which the county shall be supplied with job-printing and blank-books, and also the price of all county advertising; and each county officer shall procure such blank-books,

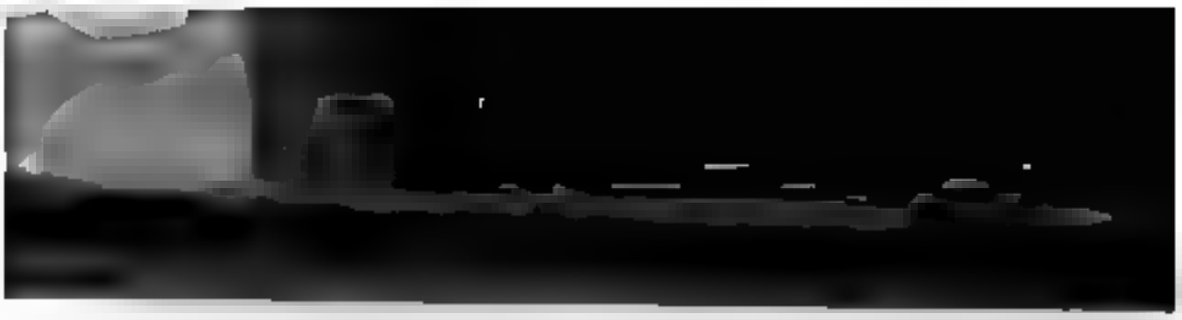
job-printing, and advertising at a price no greater than is so fixed, and certify the bills therefor to the board of supervisors; *provided*, that a square of advertising shall be two hundred and forty ems nonpareil; *and provided further*, that no supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published, or whose place of business has not been established in the county for six months or more prior to the time of fixing said prices; *provided*, that said supplies and advertisements shall be procured within the county when practicable; *provided further*, that all advertisements relative to road-work shall be published in a newspaper of general circulation, to be selected by the board of supervisors.

24. The board shall cause to be published a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and, after each session of the board, a fair statement of all their proceedings.

25. To make and enforce such rules and regulations, for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

26. To adopt a seal for their board, a description and impression whereof must be filed in the office of the county clerk and of the secretary of state.

27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted and carried on in such county, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise, except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or state; and the board of supervisors shall issue to such soldier, sailor, or marine, without cost, a license therefor. A certificate of disability by a surgeon of the United States army or navy shall be sufficient



proof of such disability, and a certificate of honorable discharge from the United States army or navy, or an exemplified copy thereof, shall be sufficient proof of such service and honorable discharge, and upon presentation, a license shall be issued as aforesaid.

28. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit-trees, or vines, or vegetable or plant life.

29. To provide for the prevention of injuries to sheep by dogs, and to tax dogs, and direct the application of the tax.

29½. To make regulations for the protection of fish and game; when such regulations are made as provided in this section relating to game, the laws of the state for the protection thereof are suspended in such county; and to regulate the size and kind of nets and seines to be used for fishing.

30. To provide for the working of prisoners confined in the county jail under judgment of conviction of misdemeanor, under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable for the benefit of the county.

31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

32. To provide for the burying of the indigent dead.

33. To make and enforce, within the limits of their county, all such local, police, sanitary, and other regulations as are not in conflict with general laws.

34. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.

35. To do and perform all other acts and things required by law not in this act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

36. To authorize the district attorney to appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time other county officials are paid, unless otherwise in this act provided.

37. To appropriate from the general fund of the county, unless otherwise in this act provided, not to exceed, in counties of the first, second, third, and fourth class, the sum of twenty-five hundred dollars, and in all other counties the sum of one thousand ($1,000) dollars, in any one year, to aid in or carry on the work of inducing immigration thereto.

38. By proper ordinances to enforce, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as is not in conflict with general laws.

39. To appropriate from the general fund of the county, for the purpose of securing and maintaining an adequate exhibition of the products of such county at the World's Columbian Exposition to be held in Chicago in the year eighteen hundred and ninety-three, and for the year eighteen hundred and ninety-four, respectively, for each of said years, as follows: In counties of the first class, not to exceed twenty-five thousand dollars; in counties of the second, third, and fourth class, not to exceed twenty thousand dollars; in counties of the sixth class, not to exceed fifteen thousand dollars; and all other classes in this state, not to exceed seven thousand five hundred dollars.

40. To grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

41. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense neces-

sary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them; *provided*, that it shall always be a condition attached to the granting of such licenses and franchises that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

42. To enact all laws, ordinances, and regulations for the control, construction, alteration, and repair of all public roads and highways in the county.

42½. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation on all the property in such counties. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads in the several road districts in proportion to the amount collected from such districts.

43. The provisions of section twenty-five of this act, except as prohibited by the constitution of this state, shall take effect from and after the passage of this act.

SEC. 26. *Ordinances.* The enacting clause of all ordinances of the board shall be as follows: "The board of supervisors of the county of —— do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "ordinance-book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the court-house door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

SEC. 27. *Sheriff's duties.* The board of supervisors shall

have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpœnas, citations, or other process, as directed by the board.

SEC. 28. *Subpœna may be issued.* Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to see, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpœna, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness, and such subpœna may contain a clause requiring such person or officer to produce on such examination all books, papers, and documents in his possession or under his control relating to the affairs or interests of the county.

SEC. 29. *Service.* It shall be the duty of the sheriff or any deputy sheriff of the county, to whom the subpœna may be delivered, to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof; and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

SEC. 30. *Powers of committee.* Whenever the board of supervisors shall have appointed any member of their body a committee upon any subject or matter of which the board has jurisdiction, and shall have conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the chairman of the board of supervisors.

SEC. 31. *Contempt.* Whenever any person duly subpœnaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or re-

fuse to appear, or to produce such books and papers, according to the exigency of such subpœna, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

SEC. 32. *Punishment.* On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted, as in case of a witness subpœnaed to appear and give evidence on the trial of a civil cause before a superior court.

SEC. 33. *Witness fees.* The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them reasonable compensation for the expenses of their attendance.

SEC. 34. *Great register.* The board must provide printed copies of the great register, poll lists, poll-books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

SEC. 35. *Certificates of election.* Whenever, as canvassers, the board of supervisors have declared the result of an election held in the county, certificates must be, by the county clerk, issued to all persons elected to a county office, or to a township or district office therein, and such

other certificates must be made out and transmitted as required by law.

SEC. 36. *Debts.* The board must not, for any purpose, contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liability, in any manner or for any purpose, except as permitted in section five of this act, and except in cases of emergency when necessary for repairing any bridge or bridges, exceed in any fiscal year the income and revenue provided for such year. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. The board shall have no power to make allowances against any funds which, with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed the auditor's estimate of revenue for the year, or such proportion thereof as the time already elapsed shall bear to the entire year. Any allowance made contrary to the provisions of this section shall be null and void, and the auditor shall not draw his warrant therefor, nor the treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "allowance-book," and shall be certified in that order by the auditor.

SEC. 37. *Bonded indebtedness.* The supervisors can only contract a bonded indebtedness other than such as is authorized by section twenty-six of this act, as follows: They shall by order specify the particular purpose for

upon by the board unless made out as prescribed in the preceding section, and filed by the clerk, at least one day prior to the session at which it is asked to be heard.

SEC. 43. *Part of claim allowed.* When the board find that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular succeeding session of the board, but not afterwards.

SEC. 44. *Claimant may sue county.* A claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the board, but not afterwards; and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed.

SEC. 45. *Warrants must specify liability.* Warrants drawn by order of the supervisors on the county treasury for the current expenses during each year must specify the liability for which they are drawn and when they accrued, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

SEC. 46. *Supervisors must not be interested in property purchased.* No member of the board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county for the erection of public buildings, the opening or improvements of roads, or the building of bridges, or for other purposes.

SEC. 47. *Proceedings when board are interested in fran-*

chise. Whenever an application is made to the board for an order, franchise, or license relating to any toll-road, bridge, ferry, wharf, chute, pier, or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

SEC. 48. *Notices.* All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the court-house door and two other public places in the county.

SEC. 49. *May encourage tree-planting.* The board, under such regulations as they may adopt, may encourage the planting and preservation of shade and ornamental trees on the public roads and highways and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

SEC. 50. *Assessors to report to state board of equalization.* The board must require the assessor to report to the state board of equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may, by ordinance, direct, and enforce obedience of the assessor thereto by deducting such proportion of his compensation as assessor as to them may seem appropriate, for a failure to comply with the order.

SEC. 51. *Per diem and mileage of board.* All claims against the county presented by members of the board of supervisors for per diem and mileage or other service rendered by them must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof; if the district attorney declare the claim illegal, he must state

specifically wherein it is illegal, and the claim must then be rejected by said board.

SEC. 52. *Clerks' and auditors' annual statement of indebtedness and property.* The board must have prepared by the clerk, and when he is not also auditor, then by that officer, and under their direction, prior to their annual meeting for levying taxes, a statement showing, —

1. The indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury, and its several funds.

SEC. 53. *Property donated to county.* The board must receive from the United States or other sources lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same and the application of the proceeds thereof.

SEC. 54. *Rafting and floating lumber.* The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams and washes within the county for use as public highways, for rafting and floating lumber, and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board nor improvements directed must in any manner interfere with the private rights or privileges of riparian owners, miners, or others. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this act. This section shall take effect from and after its passage.

SEC. 55. *Neglect of supervisors.* Any supervisor who

refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently, or corruptly attempts to perform an act, as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond to any person injured thereby, for all damages sustained.

Sec. 56. *Eligibility for office.* No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the state, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools and school trustee.

Sec. 57. *Officers of county.* The officers of a county are a sheriff, a county clerk, an auditor, a recorder, a tax collector, a district attorney, an assessor, a treasurer, a superintendent of schools, a public administrator, a coroner, a surveyor, the members of the board of supervisors, and such other officers as may be provided by law; *provided*, that in counties where the board of supervisors by proper ordinance may so elect, the duties of certain of the above-mentioned officers are hereby consolidated, as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor, and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; public administrator and coroner; *provided further*, that in counties where the duties of said officers have been or may hereafter be consolidated, in either manner above designated, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in

their discretion, the public interest will be best subserved thereby.

SEC. 58. *Township officers.* The officers of a township are two justices of the peace, two constables, and such inferior and subordinate officers as may be provided by law or by the board of supervisors; *provided*, that in townships containing cities in which city justices are elected there shall be but one justice of the peace. The board of supervisors of each county, on or before the first Monday in September, eighteen hundred and ninety-one, and thereafter as public convenience shall require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; *provided*, that the board of supervisors shall have power, whenever they may deem it for the good of their county, to allow only one justice of the peace and one constable in any judicial township having a population of less than three thousand inhabitants.

SEC. 59. *Duties, etc., in offices that are united.* When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation affixed to the offices.

SEC. 60. *When officers are elected.* All elective county and township officers, except otherwise provided for in this act, shall be elected at the general election to be held in November, eighteen hundred and ninety-four, and every four years thereafter, unless otherwise herein provided, and shall take office at twelve o'clock, meridian, on the first Monday after the first day of January next succeeding their election. Supervisors shall be elected as hereinbefore provided. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified.

SEC. 61. *Deputies.* Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appoint-

ment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

SEC. 62. *Use of official name.* Whenever the official name of any principal officer is used in any law conferring power or imposing duties or liabilities, it includes deputies.

SEC. 63. *Offices at county seat.* All county officers must have their offices at the county seat, and the sheriff, clerk, recorder, auditor, treasurer, and district attorney must keep their offices open for the transaction of business from nine o'clock, A. M., until five o'clock, P. M., non-judicial days excepted.

SEC. 64. *Liability of officers attaches to bond.* Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for nonperformance or malperformance of official duties, the liability therefor attaches to the official bond of such officer and to the principal and sureties thereon.

SEC. 65. *Oaths.* Every officer mentioned in section fifty-seven, and his deputies, and every justice of the peace, may administer and certify oaths.

SEC. 66. *Residence.* The following officers must reside at the county seat of their respective counties: The county clerk, recorder, sheriff, and district attorney. The provisions of this subdivision shall take effect immediately.

SEC. 67. *Absence.* A county or township officer shall, in no case, absent himself from the state for a period of more than sixty days, and for no period without the consent of the board of supervisors of the county.

SEC. 68. *Who may practice law.* Sheriffs, clerks, and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such.

SEC. 69. *Amount of official bond.* The board of supervisors of each county in the state shall, on or before the first Monday in September, eighteen hundred and ninety-two, prescribe the amount in which the following county officers must execute official bonds before entering upon the discharge of the duties of their respective offices, viz.:

Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, coroner, and justice of the peace. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges, if there be more than one, of the superior court. All persons offered as sureties on official bonds shall be examined, on oath, touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth, in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer.

COUNTY TREASURER.

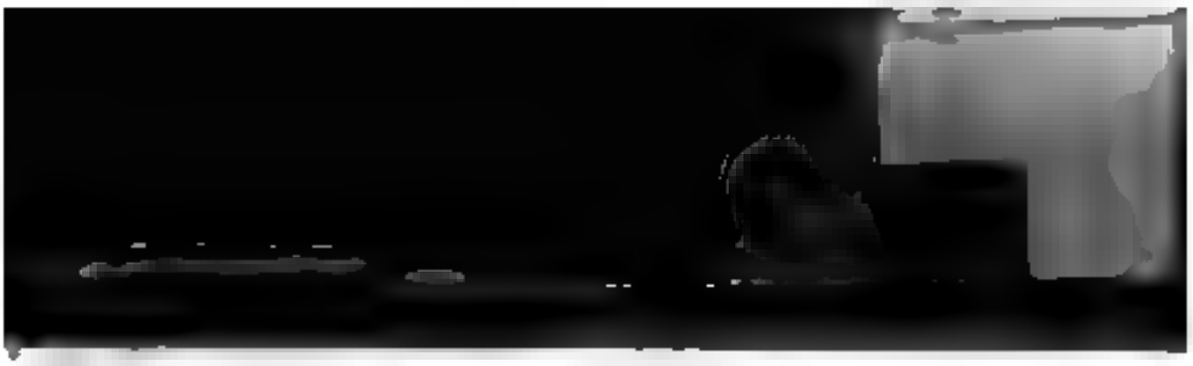
SEC. 70. *Duties of county treasurer.* The county treasurer must,—

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him, the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations



are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants, issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

SEC. 71. He must receive no money into the treasury unless accompanied by the certificate of the auditor provided for in section one hundred and fifteen.

SEC. 72 *Receipts.* When any money is paid to the county treasurer, he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

SEC. 73. *"Paid" must be written on warrants paid.* When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same, and write on the face thereof "paid," the date of payment, and sign his name thereto; *provided, however,* that the treasurer shall not receive, or pay, or indorse any warrant until he shall have received from the clerk of the board of supervisors the certified list mentioned in subdivision four of section twenty of this act, and not then unless a claim or order upon which said warrant is based appears upon such list.

SEC. 74. *Not paid, for want of funds.* When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse thereon, 'Not paid, for want of funds," annexing the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

SEC. 75. *Notice to pay warrants.* When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the court-house door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

SEC. 76. *Advertising warrants.* In advertising warrants, under the provisions of the preceding section, in any newspaper, the treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

SEC. 77. *Priority of warrants.* Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the priority of time in which they were presented. The time of presenting such warrants must be noted by the treasurer, and upon receipt of moneys into the treasury not appropriated he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

SEC. 78. *Failure to present in time.* Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be, by the treasurer, applied to the payment of unpaid warrants next in order of registry. The board of supervisors may, on application and presentation of warrants, properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated.

SEC. 79. *Notation on warrant.* When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest, distinct from the principal.

SEC. 80. *Monthly settlement.* The treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amounts of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor, annually, on the first Monday of January, in the presence of the supervisors, who have a supervisory control thereof.

SEC. 81. *Report to supervisors.* Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all moneys received by him, and the disbursements thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury, and the amounts of disbursements, together with the debts due to and from the county, may clearly and distinctly appear.

SEC. 82. *Penalty for refusal.* If any county treasurer neglect or refuse to settle or report, as required in sections eighty and eighty-one, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suit for the recovery thereof.

SEC. 83. *Penalty for district attorney refusing to bring suit.* If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-six, the county treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages.

SEC. 84. *Failure of coroner, etc., to account.* If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any in-

quest upon a dead body, all money and property found upon such body, unless claimed in the mean time by the public administrator, or other legal representative of the decedent, as required by section one hundred and fifty, the district attorney must proceed against the coroner, or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

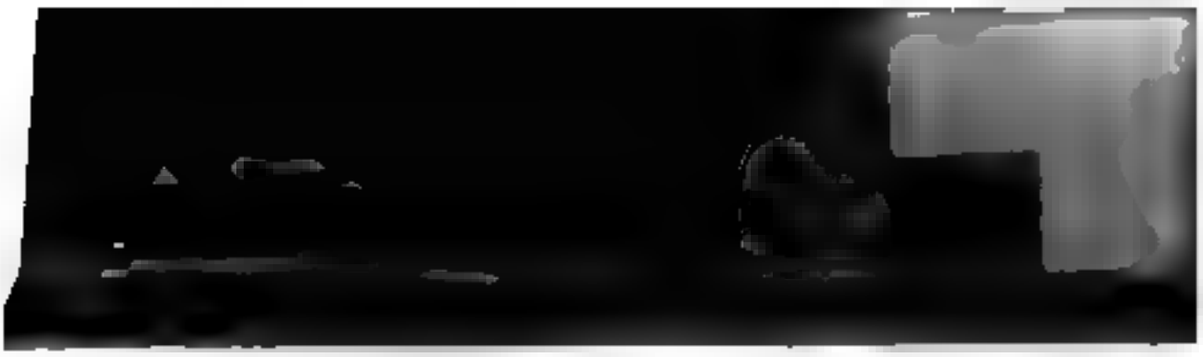
SEC. 85. *Disposition of such money.* The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county. On receiving other property, in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

SEC. 86. *Heirs may claim within six years.* If the money in the treasury is demanded, within six years, by the legal representatives of the decedent, the treasurer must pay it to them, after deducting the fees and expenses of the coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

SEC. 87. *Where treasurer shall keep moneys.* The county treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use, the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

SEC. 88. *Suspension from office.* Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

SEC. 89. *Death.* In case of the death of any county



treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death all official moneys, books, accounts, papers, and documents which come into their possession.

SEC. 90. *Inspection of books, etc.* The books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the board of supervisors and grand jury.

SEC. 91. *Counting the money.* The treasurer must permit the chairman of the board of supervisors, district attorney, and auditor to examine his books and count the money in the treasury whenever they may wish to make an examination or counting.

SHERIFF.

SEC. 92. *Process — Notice.* "Process," as used in this act, includes all writs, warrants, summons, and orders of the courts of justice or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any court, board, or officer, or when required by law to be served independently of such proceeding.

SEC. 93. *Duties of sheriff.* The sheriff must, —

1. Preserve the peace.

2. Arrest and take before the nearest magistrate, for examination, all persons who attempt to commit, or who have committed, a public offense.

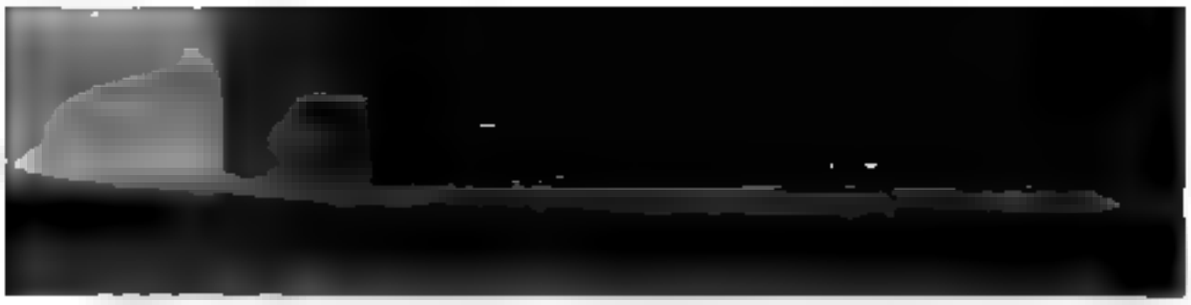
3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.

4. Attend all courts, except justices' and police courts, held within his county, and obey their lawful orders and directions.

5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.



8. Indorse upon all process and notices the year, month, day, hour, and minute of reception and issue therefor, to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time of reception.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

SEC. 94. *Process from another county.* When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the post-office, prepaying postage.

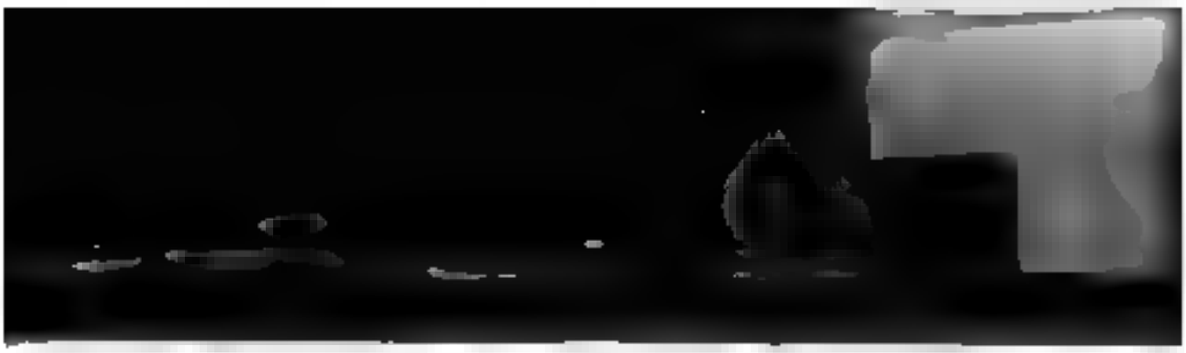
SEC. 95. *Return.* The return of the sheriff upon process or notices is prima facie evidence of the facts in such return stated.

SEC. 96. *Damages.* If a sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars and for all damages sustained by him.

SEC. 97. *Neglect to execute writs.* If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

SEC 98. *Refusal to pay moneys.* If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

SEC. 99. *Escapes.* A sheriff who suffers the escape of a person arrested in a civil action, without the consent or



connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows: —

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

SEC. 100. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

SEC. 101. *Return of escape.* An action cannot be maintained against the sheriff for a rescue or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff.

SEC. 102. *Directions in writing.* No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

SEC. 103. *Vacancy declared.* When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

SEC. 104. *Must execute process.* A sheriff, or other ministerial officer, is justified in the execution of, and must execute, all process and orders regular on their face, and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

SEC. 105. *Allow inspection.* The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

SEC. 106. *Court crier.* The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

SEC. 107. *Service on sheriff.* Service of a paper, other than process, upon the sheriff, may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

SEC. 108. *When coroner acts as sheriff.* When the sheriff is a party to an action or proceeding, the process and orders therein which it would otherwise be the duty of the sheriff to execute must be executed by the coroner of the county; *provided*, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United States, over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

SEC. 109. *Elisor.* Process or orders in an action or proceeding may be executed by a person residing in the county designated by the court, or the judge thereof, and denominated an elisor, in the following cases: —

1. When the sheriff and coroner are both parties;

2. When either of these officers is a party, and the process is against the other; and

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the

proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

SEC. 110. The sheriff must perform such other duties as are required by law.

COUNTY CLERK.

SEC. 111. *Duties of county clerk.* The county clerk must, —

1. Take charge of and safely keep, or dispose of, according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index — Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in

Judgment-book," "Page of Minute-book"; also, an index labeled "General Index — Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment-book," "Page in Order-book"; keep an index of the names of persons naturalized.

SEC. 112. He must keep such other records, and perform such other duties, as are prescribed by law.

COUNTY AUDITOR.

SEC. 113. *Duties of county auditor.* The auditor must draw warrants on the county treasurer in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the board of supervisors; *provided, however*, that the auditor must not draw a warrant on the county treasurer in favor of any person, until said auditor shall have received from the clerk of the board of supervisors the certified list mentioned in subdivision four, section twenty, of this act. The auditor must also draw his warrants on the county treasury for all debts and demands against the county, when the amounts are fixed by law, and which are not directed to be audited by some other person or tribunal.

SEC. 114. *Warrants.* All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

SEC. 115. *Accounts.* The auditor must examine and settle the accounts of all persons indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him.

SEC. 116. *Receipts.* The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipts given by the treasurer, for any money paid into the treasury, the auditor must file

such receipt, and charge the treasurer with the amount thereof.

SEC. 117. *Warrants to be numbered.* All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

SEC. 118. *Examine treasurer's books.* The auditor must, between the first and tenth day of each month, examine the books of the treasurer and see that the same have been correctly kept.

SEC. 119. *Count the money.* The chairman of the board of supervisors, district attorney, and auditor must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing, —

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

SEC. 120. *File statement.* They must file one of the statements in the office of the county clerk, and the auditor must post and maintain the other in his office for at least one month thereafter.

SEC. 121. *Joint statement of auditor and treasurer.* The auditor and treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the board of supervisors may require, make a joint statement to the board of supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same was distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally, make a full and specific showing of the financial condition of the county.

SEC. 122. The auditor must discharge such other duties as are required by law.

COUNTY RECORDER.

SEC. 123. *Must procure books.* The recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of and must keep all books, records, maps, and papers deposited in his office.

SEC. 124. *Duties of county recorder.* He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in a fair hand,—

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved;
2. Mortgages of personal property;
3. Certificates of marriage and marriage contracts;
4. Wills admitted to probate;
5. Official bonds;
6. Notices of mechanics' liens;
7. Transcripts of judgments which, by law, are made liens upon real estate;
8. Notices of attachments upon real estate;
9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof;
10. Instruments describing or relating to the separate property of married women;
11. Births and death; and
12. Such other writings as are required or permitted by law to be recorded.

SEC. 125. *Books that recorder must keep.* Every recorder must keep, —

1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed, respectively, "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."
2. An index of deeds, labeled "Grantees," each page di-

vided into four columns, headed, respectively, "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

3. Two indexes of mortgages, labeled, respectively, "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively, "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indexes of mortgages, labeled, respectively, "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively, "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indexes of releases of mortgages, labeled, respectively, "Releases of Mortgages of Real Property — Mortgagors," "Releases of Mortgages of Personal Property — Mortgagors," with pages thereof divided into six columns, headed, respectively, "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indexes of releases of mortgages, labeled, respectively, "Releases of Mortgages of Real Property — Mortgagees," "Releases of Mortgages of Personal Property — Mortgagees," with pages thereof divided into four columns, headed, respectively, "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled "Powers of Attorney," each page divided into five columns, headed, respectively, "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled "Leases — Lessors," each page divided into four columns, headed, respectively, "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled "Leases — Lessees," each page divided into four columns headed, respectively,

"Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled "Marriage Certificates — Men," each page divided into six columns, headed, respectively, "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled "Marriage Certificates — Women," each page divided into six columns, headed, respectively, "Women Married" (and under this head placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled "Assignments of Mortgages and Leases — Assignors," each page divided into five columns, headed, respectively, "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. And index of assignments of mortgages and leases, labeled "Assignments of Mortgages and Leases — Assignees," each page divided into five columns, headed, respectively, "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled "Wills," each page divided into four columns, headed, respectively, "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled "Official Bonds," each page divided into five columns, headed, respectively, "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled "Mechanics' Liens," each page divided into three columns, headed, respectively, "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices — When and Where Recorded."

7. An index to transcripts of judgments, labeled

"Transcripts of Judgments," each page divided into seven columns, headed, respectively, "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled "Attachments," each page divided into six columns, headed, respectively, "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled "Notices of Actions," each page divided into three columns, headed, respectively, "Parties to the Action," "Notices — When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled "Separate Property," each page divided into five columns, headed, respectively, "Names of Married Women," "Names of Their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indexes as are or may be required by law.

23. An index of decrees of distribution in probate, labeled "Decrees of Distribution," divided into six columns, headed, respectively, "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

SEC. 126. *Certificates of sales.* The recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

SEC. 127. *Decrees affecting title.* The recorder must file and record with the record of deeds, grants, and transfers certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any

part of which is situate in the county of which he is recorder.

SEC. 128. *Notice thereby.* Every such certified copy of partition, from the time of filing the same with the recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lien-holders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

SEC. 129. *Indexes.* The recorder may keep, in the same volume, any two or more of the indexes mentioned in section one hundred and twenty-five; but the several indexes must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indexes kept therein. The names of the parties in the first column in the several indexes must be arranged in alphabetical order, and when a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator or intestate, or party for whom the trust is held, must be inserted in the index.

SEC. 130. *Indorse time of reception.* When any instrument, paper, or notice authorized by law to be recorded is deposited in the recorder's office for record, the recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as to the time when the same was received for record, and must note, at the foot of the record, the exact time of its reception, and the name of the person at whose request it was recorded.

SEC. 131. *Book and page.* He must also indorse upon each instrument, paper, or notice the time when, the

book and pages in which it is recorded, and must thereafter deliver it up, upon request of the party leaving the same for record, or to his order.

SEC. 132. *Must search records.* It shall be the duty of the recorder, upon the application of any person, and upon the payment or tender of the fees therefor, to make searches for conveyances, mortgages, and all other instruments, papers, or notices recorded or filed in his office, and furnish a certificate thereof, stating the names of the parties to such instruments, papers, and notices, the date thereof, the year, month, day, hour, and minute they were recorded or filed, the extent to which they purport to affect the property to which they relate, and the books and pages where they are recorded; and it shall be further his duty to take and certify the acknowledgment of all instruments authorized by law to be acknowledged. All fees received under this section shall be paid into the county treasury.

SEC. 133. *Neglect or refusal to record, or errors committed, or to keep index.* If any recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record, —

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or

2. Records any instrument, papers, or notices, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or

3. Neglects or refuses to keep in his office such indexes as are required by this article, or to make the proper entries therein; or

4. Neglects or refuses to make the searches, and to give the certificate required by this article, or if such searches or certificates are incomplete and defective in any important particular affecting the property in respect to which the search is requested; or

5. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein, — he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

SEC. 134. *Fees in advance.* He is not bound to record any instrument, or file any paper or notice, or furnish any copies, or to render any service connected with his office, until his fees for the same, as prescribed by law, are, if demanded, paid or tendered.

SEC. 135. *Books, etc., open for inspection.* All books of record, maps, charts, surveys, and other papers on file in the recorder's office must, during office hours, be open for inspection of any person who may desire to inspect them, and may be inspected without charge; and the recorder must arrange the books of record and indexes in his office in such suitable places as to facilitate their inspection.

DISTRICT ATTORNEY.

SEC. 136. *Duties of district attorney.* The district attorney is the public prosecutor, and must, —

1. Attend the superior court, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court or in civil cases therein, on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury whenever cases are presented to them for their consideration.

3. Draw all indictments and informations; defend all suits brought against the state or his county; prosecute all recognizances forfeited in the courts of record and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion, in writing, to county, district, and township officers, on matters relating to the duties of their respective offices. This section shall take effect from and after its passage.

SEC. 137. *Legal adviser of supervisors.* The district attorney is the legal adviser of the board of supervisors. He must attend their meetings when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

SEC. 138. *Must not advocate another's claim.* The district attorney, except for his own services, must not present any claim, account, or demand for allowance against the county nor in any way advocate the relief asked on any claim or demand made by another.

COUNTY SURVEYOR.

SEC. 139. *Duties of county surveyor.* The county surveyor must be a licensed land surveyor of the state, and must make any survey that may be required by the order of court, the board of supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey; indorse thereon its proper number, a copy of which, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person upon payment of the fees allowed by law.

SEC. 140. *Where county line is division line.* Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situated, and on such application being made, the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

SEC. 141. *Where county line is division line.* When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true

meridian must be expressed on the plat, with the date of the survey.

SEC. 142. *Assist surveyor-general.* Each county surveyor must, when required, aid and assist the surveyor-general in making surveys within the county. When the county surveyor is interested in any land the title to which is in dispute and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the county surveyor would be entitled to for similar service.

SEC. 143. *Maps.* The county surveyor shall copy, plat, or trace all maps filed for record in the office of the county recorder of the county for which he shall be elected, and shall be ex officio deputy county recorder for said county for such purposes; *provided, however,* that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this act. The county surveyor shall plat, trace, blue print, or otherwise make all county, township, road, district, assessor's and all other maps, for the county of which he is surveyor. All such maps which shall be platted, traced, blue printed, or otherwise made as aforesaid, shall be filed in the county surveyor's office, together with all data obtained by the county surveyor from other sources, and the same thereafter shall become the property of the county.

SEC. 144. *Survey roads, etc.* The county surveyor shall make all surveys of county roads, and perform such other engineering work as the board of supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the county surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the county surveyor to advise the board of supervisors regarding all engineering work, and to perform all engineering work for the county not otherwise provided for.

SEC. 145. *Office furniture, etc.* The board of supervisors of each county shall provide, for the use of the county

surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material. In lieu of fees, as now provided by law, the county surveyor shall receive ten dollars per day for all work performed, and in addition thereto all expenses and transportation on work performed in the field.

SEC. 146. This act, so for as it affects the office of county surveyor, shall take effect and be in force from and after its passage.

COUNTY CORONER.

SEC. 147. *Duties of county coroner.* The coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner, or other officer holding the inquest upon the body of a deceased person, may subpœna a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the superior courts of this state; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

SEC. 148. *Burial of body.* When an inquest is held by the coroner, and no other person takes charge of the body of the deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

SEC. 149. *Coroner's register.* It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when

known, and such other information as may pertain to the identity of the deceased.

SEC. 150. *Must deliver to county treasurer, or proper party, all moneys.* The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer or the legal representatives of the deceased any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing, —

1. The amount of money or other property belonging to the estate of the deceased person, which has come into his possession since his last statement

2 The disposition made of such property.

SEC. 151. *Justice of the peace may act.* If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority and subject to the same obligations and penalties as the coroner.

SEC 152. In the cases specified in section one hundred and eight, the coroner must discharge the duties of sheriff.

SEC. 153. *Assessor.* The assessor must perform such duties as are prescribed in title nine, part three, of the Political Code.

SEC. 154. *Tax collector.* The tax collector must perform such duties as are prescribed in title nine, part three, of the Political Code.

SEC 155. *School superintendent.* The school superintendent must perform such duties as are prescribed in title three, part three, of the Political Code.

SEC. 156. *Public administrator.* The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three of the Code of Civil Procedure

SEC. 157. *Register of public administrator.* It shall be the duty of the public administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition

of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him.

SEC. 158. *Constables.* Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by justices of the peace of such county or by any competent authority, and shall charge and collect for their services such fees as are allowed by law, except when in conflict with section one hundred and sixty-three of this act or as otherwise provided for in this act.

SEC. 159. *Duties and powers.* All provisions of sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, except the fourth and sixth subdivisions of section ninety-three, apply to constables, and govern their powers, duties, and liabilities.

SEC. 160. *Justices.* Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

SEC. 161. *Monthly salaries.* The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

SEC. 162. *Classification of counties.* For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this state are hereby classified, and shall hereafter remain classified, according to their population, as ascertained by the federal census, taken in the year eighteen hundred and ninety, as follows, to wit: —

All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand inhabitants shall belong to and be known as counties of the second class.

Counties containing a population of over ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.

Counties containing a population of over forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of over forty thousand and under forty-five thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of over thirty-four thousand and under forty thousand inhabitants shall belong to and be known as counties of the sixth class.

Counties containing a population of over thirty-two thousand five hundred and under thirty-four thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of over thirty-two thousand and under thirty-two thousand five hundred shall belong to and be known as counties of the eighth class.

Counties containing a population of over twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the ninth class

Counties containing a population of over twenty-five thousand and under twenty-eight thousand shall belong to and be known as counties of the tenth class.

Counties containing a population of over twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the eleventh class.

Counties containing a population of over twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of over twenty thousand and under twenty-three thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of over nineteen thousand and under twenty thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of over eighteen thousand and under nineteen thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of over seventeen thousand nine hundred and under eighteen thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of over seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of over seventeen thousand and under seventeen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of over sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class.

Counties having a population of over sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class.

Counties having a population of over fifteen thousand seven hundred and under sixteen thousand shall belong to and be known as counties of the twenty-first class.

Counties having a population of over fifteen thousand and under fifteen thousand seven hundred shall belong to and be known as counties of the twenty second class.

Counties having a population of over fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty third class.

Counties having a population of over thirteen thousand five hundred and eighty and under fourteen thousand shall belong to and be known as counties of the twenty-fourth class

Counties having a population of over thirteen thousand five hundred and under thirteen thousand five hundred and eighty shall belong to and be known as counties of the twenty fifth class.

Counties having a population of over thirteen thousand and under thirteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of over twelve thousand e hundred and under thirteen thousand shall belong to d be known as counties of the twenty-seventh class.

Counties having a population of over twelve thousand

one hundred and sixty and under twelve thousand five hundred shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of over twelve thousand one hundred and thirty and under twelve thousand one hundred and sixty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of over ten thousand three hundred and under twelve thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of over ten thousand and eighty and under ten thousand three hundred shall belong to and be known as counties of the thirty first class.

Counties having a population of over ten thousand and seventy and under ten thousand and eighty shall belong to and be known as counties of the thirty-second class.

Counties having a population of over ten thousand and thirty and under ten thousand and seventy shall belong to and be known as counties of the thirty-third class.

Counties having a population of nine thousand nine hundred and under ten thousand shall belong to and be known as counties of the thirty-fourth class

Counties having a population of over nine thousand eight hundred and under nine thousand nine hundred shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of over nine thousand six hundred and under nine thousand eight hundred shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of over nine thousand and under nine thousand six hundred shall belong to and be known as counties of the thirty seventh class

Counties having a population of over eight thousand five hundred and under nine thousand shall belong to and be known as counties of the thirty eighth class.

Counties having a population of over eight thousand and under eight thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of over seven thousand and under eight thousand shall belong to and be known as counties of the fortieth class.

Counties having a population of over six thousand four hundred and under seven thousand shall belong to and be known as counties of the forty-first class.

Counties having a population of over six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of over five thousand four hundred and under six thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of over five thousand and under five thousand four hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of over four thousand nine hundred and eighty and under five thousand shall belong to and be known as counties of the forty fifth class.

Counties having a population of over four thousand nine hundred and thirty and under four thousand nine hundred and eighty shall belong to and be known as counties of the forty-sixth class.

Counties having a population of over four thousand and under four thousand nine hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of over three thousand seven hundred and eighty and under four thousand shall belong to and be known as counties of the forty-eighth class.

Counties having a population of over three thousand seven hundred and under three thousand seven hundred and eighty shall belong to and be known as counties of the forty-ninth class.

Counties having a population of over three thousand five hundred and under three thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of over two thousand five hundred and under three thousand shall belong to and be known as counties of the fifty-first class.

Counties having a population of over two thousand and under two thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of over six hundred and under two thousand shall belong to and be known as counties of the fifty-*third class*.

SEC. 163. *Salaries in counties of the first class.* In counties of the first class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries fixed by law: *provided*, that the county clerk shall collect and pay into the county treasury, for the use and benefit of the county, the following fees. For services performed by him upon the commencement of any action or proceeding (except probate proceedings), including the filing of all papers, and indexing, where the names of the plaintiff and defendants do not exceed six names in the aggregate, seven dollars and fifty cents; for indexing each additional name over six, ten cents; for the trial of causes, swearing the jury and witnesses, including the entry of judgment or decree in any action or proceeding, when the judgment or decree does not exceed ten folios, to be paid by the party moving the same, four dollars; for recording each folio in excess of ten folios, ten cents; for the entering and recording of any interlocutory decree, when the said decree does not exceed ten folios, one dollar; for recording each folio in excess of ten, ten cents; for services performed up to trial, in actions appealed from the justice's court, three dollars; for filing and indexing papers on transfer from the superior court of other counties wherein the names of the parties plaintiff and defendant do not exceed in the aggregate six, four dollars; for the transmission of files and papers on the granting of change of venue to the superior court of other counties (exclusive of express charges), three dollars; for the trial of cases appealed from the justice's court, including the swearing of witnesses and jury, and the entry of judgment, four dollars; for the dismissal of appeals from the justice's court, where said dismissal is entered on the minutes of the court, four dollars; for administering and certifying oaths, except oaths administered at the trial of any cause, fifty cents; for taking and certifying acknowledgments, one dollar for each name; for certifying the official character of any official person, other than that of the justice of peace, attached to any summons, one dollar; for certifying to justice of peace and clerk of the justice's court, fifty cents; for issuing commissions to take testimony, one dollar; for

ling notice and undertaking on appeal to the supreme urt, one dollar; for services performed in proceedings to erpetuate testimony, one dollar, for services performed in doption cases, five dollars; for certificate to dismiss ap-eal, when prepared by the clerk, two dollars and fifty nts; and when prepared and furnished by the attorney, ne dollar; for certifying transcripts on appeal and exem-fications of record, besides the charges allowed for copying nd comparing same, one dollar; for comparing transcripts nd exemplifications of record, five cents for each folio; r filing transcript from justice's court, including docket-g same and issuing execution thereon, three dollars; r satisfying judgment when entry is made on the mar-n of the record book by the attorney or judgment cred-r, one dollar; for copies of papers, records, and files of s office, fifteen cents per folio of one hundred words each, nd for each certificate thereto, fifty cents; for taking jus-fication of sureties, each surety, fifty cents, and for tak-g testimony thereon, twenty cents a folio; for filing and ndexing articles of incorporation, two dollars and fifty nts, and for exemplifying same according to the act of ongress, two dollars; for filing certificates of election of fficers of incorporation, fifty cents; for recording medical rtificates, one dollar; for recording dental certificates, ne dollar; for filing and indexing certificates of copart-nership, one dollar; for issuing marriage license, two dol-rs; for filing any bond or other instrument required by w to be filed in his office, other than that appertaining a case in court, one dollar; and for recording same, for ch folio, twenty cents; for the entry of judgment by fault, when the application is made to the clerk, two llars and fifty cents; for taking and certifying deposi-ons, for each folio, twenty cents, besides five dollars for ch day's attendance; for searching the files of each se, except for attorneys and suitors, one dollar; for ling the papers and issuing letters testamentary, or of dministration, or guardianship, or special administration, any one case, three dollars; for services up to and in-luding the final settlement of the case, in which the lue of the estate does not exceed five thousand dollars, xcept as hereinafter provided, ten dollars; for services

up to and including the final settlement of the case, in which the value of the estate exceeds five thousand dollars and does not exceed ten thousand dollars, except as hereinafter provided, fifteen dollars; for services up to and including the final settlement of the case, in which the value of the estate exceeds ten thousand dollars and does not exceed twenty thousand dollars, except as hereinafter provided, twenty dollars; for services up to and including the final settlement of any case, in which the estate exceeds twenty thousand dollars and does not exceed fifty thousand dollars, except as hereinafter provided, twenty-five dollars; for services up to and including the final settlement of the case, in which the estate exceeds fifty thousand dollars and does not exceed one hundred thousand dollars, except as hereinafter provided, fifty dollars; and in cases where the value of the estate exceeds one hundred thousand dollars, the clerk shall receive twenty dollars additional fees for each one hundred thousand dollars valuation. The valuation herein mentioned to be ascertained from the inventories filed, and the fees herein provided to be collected at the time of filing such inventory; for recording any order or paper required by law to be recorded in any estate where the number of folios exceeds ten, for each folio exceeding ten, twenty cents.

SEC. 164. *Salaries in counties of the second class.* In counties of the second class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand six hundred dollars per annum.

2. The sheriff, four thousand dollars per annum.

3. The recorder, three thousand six hundred dollars per annum.

4. The auditor, three thousand six hundred dollars per annum.

5. The treasurer, three thousand six hundred dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum.

7. The district attorney, four thousand dollars per annum.

8. The assessor, three thousand six hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10 The public administrator, three thousand dollars per annum.

11. The superintendent of schools, three thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one-third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the state of California are or may be parties, and no claim of any such justice of the peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such justice, on the account aforesaid, shall belong to and be the property of the county in which such justice exercises his jurisdiction; and each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with their said report, *provided, further*, that the board of supervisors of such counties may, in townships having a population of more than thirty five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's office.

14. Constables, such fees as are now or may hereafter

fornia are or may be made p[illegible],
such constable, in excess of said sum of one
dollars per annum, or the instalments thereof
said, shall be allowed or paid; but all fees co
every such constable, on the account aforesaid
long to and be the property of the county in w
constable has been elected or appointed; an
said constables shall report, under oath, on the
day of each month, to the board of supervis
county, the amount of all fees collected by h
account aforesaid during the preceding month,
on said date deposit with the county treasur
credit of the county, all such fees as may be
said report to have been collected by him. H
transmit the treasurer's receipt for said paym
board with his said report.

15. Supervisors, one thousand eight hund
per annum, together with mileage at the rate
per mile for each mile actually traveled by t
discharge of their duties, either as road comm
supervisors, not exceeding in the aggregate f
dollars per annum.

16. Upon the commencement of any action
ing, except in cases otherwise provided by law
clerk shall require the plaintiff or party initi
[illegible] deposit the sum of ten dollars, and t

ndeed, that every party appealing from any judgment or order of a justice of the peace or police court shall deposit the sum of five dollars with the clerk, to be held by him, and in all respects treated the same as the other deposits above mentioned

The county clerk shall charge and collect the following fees and charges for and on behalf of the county, to wit: For entering suit in the registry and making necessary entries during the progress of the suit to the final determination thereof, for first folio, twenty-five cents; for each subsequent folio, twenty-five cents; for issuing every writ of process, under seal, except the writ of habeas corpus, twenty-five cents; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, ten cents; for entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for taking justification thereto, twenty-five cents; for taking testimony on justification to undertaking or bond, for each folio, ten cents; for taking acknowledgment of an instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court as required by law, for each name, ten cents; for filing and entering papers on transfer of cases to other courts, including certificates of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justice's court, for each case, one dollar and fifty cents; all subsequent services rendered on such appeal shall be charged for at the rates above provided for similar services, for issuing letters testamentary, or of administration, or of guardianship, twenty-five cents; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, unless such notice is prepared by the petitioner or his attorney therein, twenty-five cents; for calling and swearing every jury or venire, twenty-five cents; for calling and swearing every jury to try cause, twenty-five cents; for receiving and entering verdict of jury, fifty cents; for entering final judgment, for first folio fifty cents, for each

record, or paper, per [illegible]
under seal, twenty-five cents; for issuing [illegible]
sion to take testimony, fifty cents; for writing
timony of witnesses during trial (to be paid
requiring the same), for each folio, twenty cen
suing execution or other final process under
cents; for copy of every decree or order of sale
gaged property, for each folio, ten cents, for rec
filing every remittitur from supreme court and
nying papers, twenty-five cents; for taking and
each undertaking or bond, twenty-five cents; for
wills or other papers required by law to be rec
each folio, ten cents; *provided, however*, that in
where the value of the estate of a decedent do
ceed one thousand dollars, the total fees collecte
clerk from the estate, the administratrix, ex
legal representative shall not exceed ten dollars;
such appraised value is more than one thousa
and not over five thousand dollars, the total fee
from the estate, the administrator, executor, o
resentative shall not exceed twenty dollars. A
charges received or collected by such clerk shal
and be the property of the county, and be p
county treasury thereof by said clerk on the fi
of each month.

The county recorder shall charge and collect

margin of record, and entry thereof on index, fifty cents; for searching records or files in his office, fifty cents for each year; for abstract of title, fifty cents for each conveyance or encumbrance certified; for recording any plat or map of a rectangular subdivision into lots and blocks, five cents for each course or line, and twenty-five cents for each folio of figures, letters, and characters, for recording any other plat or map, ten cents for each course or line, and twenty five cents for each folio; for taking acknowledgments, including seal, fifty cents for first signature and twenty-five cents for each additional signature, for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording each mark or brand, and making the necessary search preliminary to such record, three dollars; for filing, indexing, and keeping each paper not by law required to be recorded, one dollar; for reporting assignment of certificate of purchase of state lands, fifty cents. All fees and charges received or collected by such recorder shall belong to and be the property of the county, and be paid into the county treasury thereof by said recorder on the first Monday of each month.

17. The board of supervisors shall allow the several officers mentioned in this section (including justices of the peace and constables) such deputy or deputies, assistant or assistants, clerk or clerks as may be necessary to properly transact the business of their respective offices, in connection with the principal, at such salary as the board may deem reasonable, not to exceed, except as in this subdivision provided, for each assistant clerk or deputy, the sum of one hundred dollars per month, and the salary of the deputy of any constable, and the clerk of any justice of the peace, not to exceed the sum of seventy five dollars per month; *provided*, that the board of supervisors shall have the power to allow the county clerk one chief deputy, at a salary to be fixed by said board, not to exceed two hundred dollars per month; also one deputy, to act as clerk of the board of supervisors, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; also one register clerk, at a salary to be fixed by said board, not to exceed one hundred and

fifty dollars per month; also six clerks, to act as clerks of the departments of the superior court, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the sheriff an under sheriff, at a salary to be fixed by said board, not to exceed two hundred dollars per month; *provided further*, that the board of supervisors may allow the recorder one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the auditor one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; *provided further*, that the board of supervisors may allow the assessor one chief deputy, at a salary to be fixed by the board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the treasurer one book-keeper, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; *provided further*, that the board of supervisors may allow the tax collector one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the superintendent of schools one assistant, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the district attorney an assistant, at a salary to be fixed by the board, not to exceed two hundred dollars per month; also one chief deputy, at a salary not to exceed one hundred and seventy-five dollars per month; also one deputy, at a salary not to exceed one hundred and fifty dollars per month; also two deputies, at a salary not to exceed one hundred dollars each per month, and no other or further assistant or deputy attorneys shall be allowed by said board to said district attorney; *provided*, that nothing herein contained shall be construed to prevent said board from employing special counsel when, in the judgment of said board, the interests of said county require it. All salaries provided for in this section, whether for principal, assistant, clerk, chief

deputy, or deputy, shall in each case constitute a county charge This section, and all parts thereof, shall apply to the present incumbents, and shall go into effect upon the passage of this act.

SEC. 1644. *Fees of sheriff in counties of second class.* Sheriffs in counties of the second class shall receive the following fees, which shall be paid into the county treasury and belong to the county, viz. For serving a summons or complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar; for taking bond or undertaking in any case in which he is authorized to take the same, twenty-five cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, fifty cents; for serving a subpœna, for each witness summoned, twenty-five cents; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons; he shall be allowed such further compensation for his trouble and expense, in taking and keeping possession of and preserving property under attachment or execution, or other process, as the court shall order; *provided*, no more than two dollars per diem shall be allowed to a keeper; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar; also, two dollars per day for each day while such ship, boat, or vessel is in the actual custody of the sheriff; and such further necessary expenses incurred in serving the process, and resulting from such custody, as are supported by the oath of the officer making such service and allowed by the court, for advertising property for sale on execution, or any judgment or order of sale, exclusive of the cost of publication, fifty cents; the fees herein allowed for the levy of an execution and for advertising shall be collected from the judgment debtor

fifty dollars per month; also six clerks, to act as clerks of the departments of the superior court, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the sheriff an under sheriff, at a salary to be fixed by said board, not to exceed two hundred dollars per month; *provided further*, that the board of supervisors may allow the recorder one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the auditor one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; *provided further*, that the board of supervisors may allow the assessor one chief deputy, at a salary to be fixed by the board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the treasurer one book-keeper, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month, *provided further*, that the board of supervisors may allow the tax collector one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the superintendent of schools one assistant, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the district attorney an assistant, at a salary to be fixed by the board, not to exceed two hundred dollars per month; also one chief deputy, at a salary not to exceed one hundred and seventy-five dollars per month; also one deputy, at a salary not to exceed one hundred and fifty dollars per month; also two deputies, at a salary not to exceed one hundred dollars each per month, and no other or further assistant or deputy attorneys shall be allowed by said board to said district attorney; *provided*, that nothing herein contained shall be construed to prevent said board from employing special counsel when, in the judgment of said board, the interests of said county require it. All salaries provided for in this section, whether for principal, assistant, clerk, chief

deputy, or deputy, shall in each case constitute a county charge. This section, and all parts thereof, shall apply to the present incumbents, and shall go into effect upon the passage of this act.

SEC. 1644. *Fees of sheriff in counties of second class.* Sheriffs in counties of the second class shall receive the following fees, which shall be paid into the county treasury and belong to the county, viz. For serving a summons or complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar; for taking bond or undertaking in any case in which he is authorized to take the same, twenty-five cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, fifty cents; for serving a subpœna, for each witness summoned, twenty-five cents; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons; he shall be allowed such further compensation for his trouble and expense, in taking and keeping possession of and preserving property under attachment or execution, or other process, as the court shall order; *provided*, no more than two dollars per diem shall be allowed to a keeper; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar; also, two dollars per day for each day while such ship, boat, or vessel is in the actual custody of the sheriff; and such further necessary expenses incurred in serving the process, and resulting from such custody, as are supported by the oath of the officer making such service and allowed by the court; for advertising property for sale on execution, or any judgment or order of sale, exclusive of the cost of publication, fifty cents, the fees herein allowed for the levy of an execution and for advertising shall be collected from the judgment debtor

by virtue of such execution, in the same manner as the sum therein directed to be made; for drawing and executing a sheriff's deed, inclusive of acknowledgment, three dollars, to be paid by the grantee, for serving a writ of possession or restitution, or putting any person entitled into possession of premises, and removing occupant, three dollars; for attending, when required, on any court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, three dollars; for making every arrest in a criminal proceeding, two dollars; for summoning a grand jury, five dollars; for summoning a trial jury in any case, three dollars; for each additional juror, twenty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpœna, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, fifteen cents; or for traveling to serve any process in criminal cases, or for taking a prisoner from prison before a court or magistrate, for each mile necessarily traveled, in going only, he shall receive ten cents per mile, for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile necessarily traveled, in going only, fifteen cents per mile, for each additional prisoner, taken at the same time, five cents per mile, *provided*, that if any two or more papers be required to be served in the same suit or proceeding, at the same time and in the same direction, one mileage only shall be charged; *and provided also*, in serving a subpœna or venire, when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant; *and provided further*, that only one mileage per day shall be charged for taking a prisoner from prison before a court or magistrate; *provided*, that in the county of Santa Clara, the sheriff shall

be entitled to twenty cents per mile, going only, as traveling fees in civil cases, for all services in justices' courts, the same fees as are allowed to constables, for delivering a prisoner at the state prison, thirty cents per mile, one way, for the distance established by law from the county seat of his county to the prison; and for every additional prisoner taken at the same time, ten cents per mile; for delivering an insane person at the asylum, twenty cents per mile, one way, for the distance established by law from the county seat of his county to the asylum; and for every additional insane person taken at the same time, ten cents per mile; in case of sales of property on foreclosure of mortgage, or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale, and a commission of one per cent upon the proceeds of the sale, which commission shall in no case exceed the sum of twenty five dollars; said commission shall be paid into the county treasury and shall be the property of the county. This section shall go into effect immediately.

SEC. 165. *Third class.* In counties of the third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, thirteen thousand dollars per annum.

2. The sheriff, fifteen thousand dollars per annum.

3. The recorder, sixteen thousand dollars per annum.

4. The auditor, forty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor one deputy auditor, who shall be appointed by the auditor of said county. The salary of the said deputy auditor herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, six thousand dollars per annum, whose office hours shall be from nine o'clock, A. M., till four o'clock, P. M.

6. The tax collector, eight thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector a deputy tax collector, who shall be appointed by the tax collector of said county. The salary of the deputy tax collector herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund, as the salary of the tax collector.

7. The assessor, fourteen thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor a chief deputy assessor, who shall be appointed by the assessor of said county. The salary of the chief deputy assessor herein provided for is hereby fixed at the sum of two thousand one hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the assessor; *provided further*, that in counties of this class there shall be five deputy assessors, who shall be appointed by the assessor of said county, and who shall hold office from twelve o'clock meridian of the first Monday of March of each year, up to twelve o'clock meridian of the first Monday of July of each year. The salary of each of the said five deputy assessors herein provided for is hereby fixed at the sum of one hundred dollars per month for each month during which they shall hold office as herein provided, which said salary shall be paid by said county at the same time, and in the same manner, and out of the same fund as the salary of the assessor.

8. The district attorney, six thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one chief deputy district attorney, who shall be appointed by the district attorney of said county. The salary of the chief deputy district attorney herein provided for is hereby fixed at the sum of two thousand one hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the

same time and in the same manner, and out of the same fund, as the salary of the district attorney. The traveling and other personal expenses of the district attorney in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases, shall be a county charge, and shall be paid for by the county in the same manner as other county charges.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four thousand five hundred dollars per annum; *provided*, that the office of such official shall be kept open the same as other public offices of the county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13 Justices of the peace, such fees as are now or may be hereafter allowed by law. Each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person) into the county treasury for the benefit of the county.

14 Constables, such fees as are now or hereafter may be allowed by law.

15 Supervisors, one thousand five hundred dollars per annum, and ten cents a mile in traveling to and from their residences to the county seat, or in the performance of duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only two mileages shall be allowed for each month. Claims for mileage shall be allowed as other claims against the county.

SEC. 166. *Fourth class.* In counties of the fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit —

1 The county clerk, nine thousand dollars per annum.

2. The sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive as additional compensation the mileage collected by him in criminal cases where the same is not a charge against his county

3. The recorder, eight thousand dollars per annum.

4. The auditor, four thousand dollars per annum.

5. The treasurer, four thousand dollars per annum.

6. The tax and license collector, seven thousand dollars per annum for the combined office.

7. The assessor, nine thousand five hundred dollars per annum.

8. The district attorney, three thousand two hundred dollars per annum.

9 The coroner, six hundred dollars per annum.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that no justice of the peace shall be paid more than two thousand dollars in any one year for services in criminal cases; *provided further*, that he shall obtain, for his own use and benefit, all fees collected by him in civil cases. All other fees collected by each justice of the peace, after deducting the civil fees and the amount hereby allowed for his own services, shall be paid over to the county treasurer of said county

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one constable shall receive more than one hundred and twenty-five dollars in any one month, or twelve hundred dollars in any one year, for services in criminal cases.

15. Supervisors, twelve hundred dollars each per annum, and five hundred dollars per annum as road commissioners.

SEC 167. *Fifth class.* In counties of the fifth class, the county officers shall receive as compensation for the ser-

vices required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk, six thousand dollars per annum.

2. The sheriff, nine thousand dollars per annum, and such fees and mileage as are now or hereafter may be provided by law, for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution, *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken.

3. The recorder, four thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, three thousand four hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum, and the fees for making and executing tax deeds.

7. The assessor, six thousand dollars per annum.

8. The district attorney, thirty-six hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, seventy-five dollars per month, and ten cents per mile in traveling to and from county seat;

known, and such other information as may pertain to the identity of the deceased.

SEC. 150. *Must deliver to county treasurer, or proper party, all moneys.* The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer or the legal representatives of the deceased any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing, —

1. The amount of money or other property belonging to the estate of the deceased person, which has come into his possession since his last statement.

2. The disposition made of such property.

SEC. 151. *Justice of the peace may act.* If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority and subject to the same obligations and penalties as the coroner.

SEC. 152. In the cases specified in section one hundred and eight, the coroner must discharge the duties of sheriff.

SEC. 153. *Assessor.* The assessor must perform such duties as are prescribed in title nine, part three, of the Political Code.

SEC. 154. *Tax collector.* The tax collector must perform such duties as are prescribed in title nine, part three, of the Political Code.

SEC. 155. *School superintendent.* The school superintendent must perform such duties as are prescribed in title three, part three, of the Political Code.

SEC. 156. *Public administrator.* The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three of the Code of Civil Procedure.

SEC. 157. *Register of public administrator.* It shall be the duty of the public administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition

of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him.

SEC. 158. *Constables.* Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by justices of the peace of such county or by any competent authority, and shall charge and collect for their services such fees as are allowed by law, except when in conflict with section one hundred and sixty-three of this act or as otherwise provided for in this act.

SEC. 159. *Duties and powers.* All provisions of sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, except the fourth and sixth subdivisions of section ninety-three, apply to constables, and govern their powers, duties, and liabilities.

SEC. 160. *Justices.* Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

SEC. 161. *Monthly salaries.* The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

SEC. 162. *Classification of counties.* For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this state are hereby classified, and shall hereafter remain classified, according to their population, as ascertained by the federal census, taken in the year eighteen hundred and ninety, as follows, to wit: —

All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand inhabitants shall belong to and be known as counties of the second class.

Counties containing a population of over ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.

Counties containing a population of over forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of over forty thousand and under forty-five thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of over thirty-four thousand and under forty thousand inhabitants shall belong to and be known as counties of the sixth class.

Counties containing a population of over thirty-two thousand five hundred and under thirty-four thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of over thirty-two thousand and under thirty-two thousand five hundred shall belong to and be known as counties of the eighth class.

Counties containing a population of over twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the ninth class.

Counties containing a population of over twenty-five thousand and under twenty-eight thousand shall belong to and be known as counties of the tenth class.

Counties containing a population of over twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the eleventh class.

Counties containing a population of over twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of over twenty thousand and under twenty-three thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of over nineteen thousand and under twenty thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of over eighteen thousand and under nineteen thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of over seventeen thousand nine hundred and under eighteen thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of over seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of over seventeen thousand and under seventeen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of over sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class.

Counties having a population of over sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class.

Counties having a population of over fifteen thousand seven hundred and under sixteen thousand shall belong to and be known as counties of the twenty-first class.

Counties having a population of over fifteen thousand and under fifteen thousand seven hundred shall belong to and be known as counties of the twenty-second class.

Counties having a population of over fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty-third class.

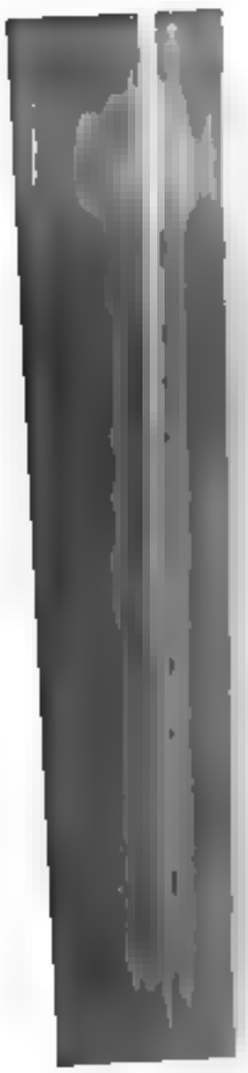
Counties having a population of over thirteen thousand five hundred and eighty and under fourteen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of over thirteen thousand five hundred and under thirteen thousand five hundred and eighty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of over thirteen thousand and under thirteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of over twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of over twelve thousand



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Counties having a population of over six thousand four hundred and under seven thousand shall belong to and be known as counties of the forty-first class.

Counties having a population of over six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of over five thousand four hundred and under six thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of over five thousand and under five thousand four hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of over four thousand nine hundred and eighty and under five thousand shall belong to and be known as counties of the forty-fifth class.

Counties having a population of over four thousand nine hundred and thirty and under four thousand nine hundred and eighty shall belong to and be known as counties of the forty-sixth class.

Counties having a population of over four thousand and under four thousand nine hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of over three thousand seven hundred and eighty and under four thousand shall belong to and be known as counties of the forty-eighth class.

Counties having a population of over three thousand seven hundred and under three thousand seven hundred and eighty shall belong to and be known as counties of the forty-ninth class.

Counties having a population of over three thousand five hundred and under three thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of over two thousand five hundred and under three thousand shall belong to and be known as counties of the fifty-first class.

Counties having a population of over two thousand and under two thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of over six hundred and under two thousand shall belong to and be known as counties of the fifty-third class.

SEC. 163. *Salaries in counties of the first class.* In counties of the first class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries fixed by law; *provided*, that the county clerk shall collect and pay into the county treasury, for the use and benefit of the county, the following fees: For services performed by him upon the commencement of any action or proceeding (except probate proceedings), including the filing of all papers, and indexing, where the names of the plaintiff and defendants do not exceed six names in the aggregate, seven dollars and fifty cents; for indexing each additional name over six, ten cents; for the trial of causes, swearing the jury and witnesses, including the entry of judgment or decree in any action or proceeding, when the judgment or decree does not exceed ten folios, to be paid by the party moving the same, four dollars; for recording each folio in excess of ten folios, ten cents; for the entering and recording of any interlocutory decree, when the said decree does not exceed ten folios, one dollar; for recording each folio in excess of ten, ten cents; for services performed up to trial, in actions appealed from the justice's court, three dollars; for filing and indexing papers on transfer from the superior court of other counties wherein the names of the parties plaintiff and defendant do not exceed in the aggregate six, four dollars; for the transmission of files and papers on the granting of change of venue to the superior court of other counties (exclusive of express charges), three dollars; for the trial of cases appealed from the justice's court, including the swearing of witnesses and jury, and the entry of judgment, four dollars; for the dismissal of appeals from the justice's court, where said dismissal is entered on the minutes of the court, four dollars; for administering and certifying oaths, except oaths administered at the trial of any cause, fifty cents; for taking and certifying acknowledgments, one dollar for each name; for certifying the official character of any official person, other than that of the justice of peace, attached to any summons, one dollar; for certifying to justice of peace and clerk of the justice's court, fifty cents; for issuing commissions to take testimony, one dollar; for

filing notice and undertaking on appeal to the supreme court, one dollar; for services performed in proceedings to perpetuate testimony, one dollar, for services performed in adoption cases, five dollars; for certificate to dismiss appeal, when prepared by the clerk, two dollars and fifty cents; and when prepared and furnished by the attorney, one dollar; for certifying transcripts on appeal and exemplifications of record, besides the charges allowed for copying and comparing same, one dollar; for comparing transcripts and exemplifications of record, five cents for each folio; for filing transcript from justice's court, including docketing same and issuing execution thereon, three dollars; for satisfying judgment when entry is made on the margin of the record book by the attorney or judgment creditor, one dollar; for copies of papers, records, and files of his office, fifteen cents per folio of one hundred words each, and for each certificate thereto, fifty cents; for taking justification of sureties, each surety, fifty cents, and for taking testimony thereon, twenty cents a folio; for filing and indexing articles of incorporation, two dollars and fifty cents, and for exemplifying same according to the act of congress, two dollars; for filing certificates of election of officers of incorporation, fifty cents; for recording medical certificates, one dollar; for recording dental certificates, one dollar; for filing and indexing certificates of copartnership, one dollar; for issuing marriage license, two dollars; for filing any bond or other instrument required by law to be filed in his office, other than that appertaining to a case in court, one dollar; and for recording same, for each folio, twenty cents, for the entry of judgment by default, when the application is made to the clerk, two dollars and fifty cents; for taking and certifying depositions, for each folio, twenty cents, besides five dollars for each day's attendance; for searching the files of each year, except for attorneys and sureties, one dollar; for filing the papers and issuing letters testamentary, or of administration, or guardianship, or special administration, in any one case, three dollars; for services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars; for services

up to and including the final settlement of the case, in which the value of the estate exceeds five thousand dollars and does not exceed ten thousand dollars, except as hereinafter provided, fifteen dollars; for services up to and including the final settlement of the case, in which the value of the estate exceeds ten thousand dollars and does not exceed twenty thousand dollars, except as hereinafter provided, twenty dollars; for services up to and including the final settlement of any case, in which the estate exceeds twenty thousand dollars and does not exceed fifty thousand dollars, except as hereinafter provided, twenty-five dollars; for services up to and including the final settlement of the case, in which the estate exceeds fifty thousand dollars and does not exceed one hundred thousand dollars, except as hereinafter provided, fifty dollars; and in cases where the value of the estate exceeds one hundred thousand dollars, the clerk shall receive twenty dollars additional fees for each one hundred thousand dollars valuation. The valuation herein mentioned to be ascertained from the inventories filed, and the fees herein provided to be collected at the time of filing such inventory; for recording any order or paper required by law to be recorded in any estate where the number of folios exceeds ten, for each folio exceeding ten, twenty cents.

SEC. 164. *Salaries in counties of the second class.* In counties of the second class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand six hundred dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, three thousand six hundred dollars per annum.
4. The auditor, three thousand six hundred dollars per annum.
5. The treasurer, three thousand six hundred dollars per annum.
6. The tax collector, three thousand six hundred dollars per annum.

7. The district attorney, four thousand dollars per annum.

8. The assessor, three thousand six hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, three thousand dollars per annum.

11. The superintendent of schools, three thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one-third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the state of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such justice, on the account aforesaid, shall belong to and be the property of the county in which such justice exercises his jurisdiction; and each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with their said report; *provided, further*, that the board of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's court.

14. Constables, such fees as are now or may hereafter

be allowed by law; *provided*, that no constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one-third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the state of California are or may be made parties; and no claim of any such constable, in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such constable, on the account aforesaid, shall belong to and be the property of the county in which such constable has been elected or appointed; and each of said constables shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with his said report.

15. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate five hundred dollars per annum.

16. Upon the commencement of any action or proceeding, except in cases otherwise provided by law, the county clerk shall require the plaintiff or party initiating the action to deposit the sum of ten dollars, and the defendant or respondent must, upon his appearance, deposit with the clerk the sum of three dollars, said deposit to be applied in payment of costs, and when the same are exhausted a further deposit must be required by the clerk. Any money so deposited and remaining after judgment and payment of all costs chargeable against the party who has deposited the same, to and including the entering, docketing, and recording of the judgment, shall, on demand, be returned to the party who has advanced it; *pro-*

cided, that every party appealing from any judgment or order of a justice of the peace or police court shall deposit the sum of five dollars with the clerk, to be held by him, and in all respects treated the same as the other deposits above mentioned.

The county clerk shall charge and collect the following fees and charges for and on behalf of the county, to wit: For entering suit in the registry and making necessary entries during the progress of the suit to the final determination thereof, for first folio, twenty-five cents; for each subsequent folio, twenty-five cents; for issuing every writ of process, under seal, except the writ of habeas corpus, twenty-five cents; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, ten cents; for entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for taking justification thereto, twenty-five cents; for taking testimony on justification to undertaking or bond, for each folio, ten cents; for taking acknowledgment of an instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court as required by law, for each name, ten cents; for filing and entering papers on transfer of cause to other courts, including certificates of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for filing all papers on appeal from justice's court, for each case, one dollar and fifty cents, all subsequent services rendered on such appeal shall be charged for at the rates above provided for similar services, for issuing letters testamentary, or of administration, or of guardianship, twenty-five cents; for writing and posting such notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, unless such notice is prepared by the petitioner or his attorney therein, twenty-five cents; for calling and swearing every jury or venire, twenty-five cents; for calling and swearing every jury to try cause, twenty-five cents; for receiving and entering verdict of jury, fifty cents; for entering final judgment, for first folio fifty cents, for each

subsequent folio ten cents; for making up and filing judgment roll, fifty cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering oath or affirmation, twenty-five cents, for certifying same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, ten cents; for every certificate under seal, twenty-five cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witnesses during trial (to be paid by party requiring the same), for each folio, twenty cents; for issuing execution or other final process under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, ten cents; for receiving and filing every remittitur from supreme court and accompanying papers, twenty-five cents; for taking and approving each undertaking or bond, twenty-five cents; for recording wills or other papers required by law to be recorded, for each folio, ten cents; *provided, however*, that in all cases where the value of the estate of a decedent does not exceed one thousand dollars, the total fees collected by such clerk from the estate, the administratrix, executor, or legal representative shall not exceed ten dollars; and when such appraised value is more than one thousand dollars and not over five thousand dollars, the total fees collected from the estate, the administrator, executor, or legal representative shall not exceed twenty dollars. All fees and charges received or collected by such clerk shall belong to and be the property of the county, and be paid into the county treasury thereof by said clerk on the first Monday of each month.

The county recorder shall charge and collect the following fees and charges for and on behalf of the county, to wit: For recording any instrument or notice, except maps or plats, ten cents for each folio of one hundred words; for indexing any instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, ten cents per folio; for filing any instrument for record and making the necessary entries thereon, ten cents; for each certificate under seal, fifty cents; for each entry of discharge of mortgage or other instrument, on

margin of record, and entry thereof on index, fifty cents; for searching records or files in his office, fifty cents for each year; for abstract of title, fifty cents for each conveyance or encumbrance certified; for recording any plat or map of a rectangular subdivision into lots and blocks, five cents for each course or line, and twenty-five cents for each folio of figures, letters, and characters; for recording any other plat or map, ten cents for each course or line, and twenty-five cents for each folio; for taking acknowledgments, including seal, fifty cents for first signature and twenty-five cents for each additional signature; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording each mark or brand, and making the necessary search preliminary to such record, three dollars; for filing, indexing, and keeping each paper not by law required to be recorded, one dollar; for reporting assignment of certificate of purchase of state lands, fifty cents. All fees and charges received or collected by such recorder shall belong to and be the property of the county, and be paid into the county treasury thereof by said recorder on the first Monday of each month.

17. The board of supervisors shall allow the several officers mentioned in this section (including justices of the peace and constables) such deputy or deputies, assistant or assistants, clerk or clerks as may be necessary to properly transact the business of their respective offices, in connection with the principal, at such salary as the board may deem reasonable, not to exceed, except as in this subdivision provided, for each assistant clerk or deputy, the sum of one hundred dollars per month, and the salary of the deputy of any constable, and the clerk of any justice of the peace, not to exceed the sum of seventy-five dollars per month; *provided*, that the board of supervisors shall have the power to allow the county clerk one chief deputy, at a salary to be fixed by said board, not to exceed two hundred dollars per month; also one deputy, to act as clerk of the board of supervisors, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; also one register clerk, at a salary to be fixed by said board, not to exceed one hundred and

fifty dollars per month; also six clerks, to act as clerks of the departments of the superior court, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the sheriff an under sheriff, at a salary to be fixed by said board, not to exceed two hundred dollars per month; *provided further*, that the board of supervisors may allow the recorder one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the auditor one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; *provided further*, that the board of supervisors may allow the assessor one chief deputy, at a salary to be fixed by the board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the treasurer one book-keeper, at a salary to be fixed by said board, not to exceed one hundred and fifty dollars per month; *provided further*, that the board of supervisors may allow the tax collector one chief deputy, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the superintendent of schools one assistant, at a salary to be fixed by said board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the board of supervisors may allow the district attorney an assistant, at a salary to be fixed by the board, not to exceed two hundred dollars per month; also one chief deputy, at a salary not to exceed one hundred and seventy-five dollars per month; also one deputy, at a salary not to exceed one hundred and fifty dollars per month; also two deputies, at a salary not to exceed one hundred dollars each per month, and no other or further assistant or deputy attorneys shall be allowed by said board to said district attorney; *provided*, that nothing herein contained shall be construed to prevent said board from employing special counsel when, in the judgment of said board, the interests of said county require it. All salaries provided for in this section, whether for principal, assistant, clerk, chief

deputy, or deputy, shall in each case constitute a county charge. This section, and all parts thereof, shall apply to the present incumbents, and shall go into effect upon the passage of this act.

SEC. 1644. *Fees of sheriff in counties of second class.* Sheriffs in counties of the second class shall receive the following fees, which shall be paid into the county treasury and belong to the county, viz.: For serving a summons or complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar; for taking bond or undertaking in any case in which he is authorized to take the same, twenty-five cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, fifty cents; for serving a subpœna, for each witness summoned, twenty-five cents; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons; he shall be allowed such further compensation for his trouble and expense, in taking and keeping possession of and preserving property under attachment or execution, or other process, as the court shall order; *provided*, no more than two dollars per diem shall be allowed to a keeper; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar; also, two dollars per day for each day while such ship, boat, or vessel is in the actual custody of the sheriff; and such further necessary expenses incurred in serving the process, and resulting from such custody, as are supported by the oath of the officer making such service and allowed by the court; for advertising property for sale on execution, or any judgment or order of sale, exclusive of the cost of publication, fifty cents; the fees herein allowed for the levy of an execution and for advertising shall be collected from the judgment debtor

by virtue of such execution, in the same manner as the sum therein directed to be made; for drawing and executing a sheriff's deed, inclusive of acknowledgment, three dollars, to be paid by the grantee; for serving a writ of possession or restitution, or putting any person entitled into possession of premises, and removing occupant, three dollars; for attending, when required, on any court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, three dollars; for making every arrest in a criminal proceeding, two dollars; for summoning a grand jury, five dollars; for summoning a trial jury in any case, three dollars; for each additional juror, twenty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpœna, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, fifteen cents; or for traveling to serve any process in criminal cases, or for taking a prisoner from prison before a court or magistrate, for each mile necessarily traveled, in going only, he shall receive ten cents per mile, for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile necessarily traveled, in going only, fifteen cents per mile; for each additional prisoner, taken at the same time, five cents per mile; *provided*, that if any two or more papers be required to be served in the same suit or proceeding, at the same time and in the same direction, one mileage only shall be charged; *and provided also*, in serving a subpœna or venire, when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant; *and provided further*, that only one mileage per day shall be charged for taking a prisoner from prison before a court or magistrate; *provided*, that in the county of Santa Clara, the sheriff shall

be entitled to twenty cents per mile, going only, as traveling fees in civil cases; for all services in justices' courts, the same fees as are allowed to constables; for delivering a prisoner at the state prison, thirty cents per mile, one way, for the distance established by law from the county seat of his county to the prison; and for every additional prisoner taken at the same time, ten cents per mile; for delivering an insane person at the asylum, twenty cents per mile, one way, for the distance established by law from the county seat of his county to the asylum; and for every additional insane person taken at the same time, ten cents per mile; in case of sales of property on foreclosure of mortgage, or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale, and a commission of one per cent upon the proceeds of the sale, which commission shall in no case exceed the sum of twenty-five dollars; said commission shall be paid into the county treasury and shall be the property of the county. This section shall go into effect immediately.

Sec. 166. *Third class.* In counties of the third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, thirteen thousand dollars per annum.

2. The sheriff, fifteen thousand dollars per annum.

3. The recorder, sixteen thousand dollars per annum.

4. The auditor, forty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor one deputy auditor, who shall be appointed by the auditor of said county. The salary of the said deputy auditor herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, six thousand dollars per annum, whose office hours shall be from nine o'clock, A. M., till four o'clock, P. M.

6. The tax collector, eight thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector a deputy tax collector, who shall be appointed by the tax collector of said county. The salary of the deputy tax collector herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund, as the salary of the tax collector.

7. The assessor, fourteen thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor a chief deputy assessor, who shall be appointed by the assessor of said county. The salary of the chief deputy assessor herein provided for is hereby fixed at the sum of two thousand one hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the assessor; *provided further*, that in counties of this class there shall be five deputy assessors, who shall be appointed by the assessor of said county, and who shall hold office from twelve o'clock meridian of the first Monday of March of each year, up to twelve o'clock meridian of the first Monday of July of each year. The salary of each of the said five deputy assessors herein provided for is hereby fixed at the sum of one hundred dollars per month for each month during which they shall hold office as herein provided, which said salary shall be paid by said county at the same time, and in the same manner, and out of the same fund as the salary of the assessor.

8. The district attorney, six thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one chief deputy district attorney, who shall be appointed by the district attorney of said county. The salary of the chief deputy district attorney herein provided for is hereby fixed at the sum of two thousand one hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the

same time and in the same manner, and out of the same fund, as the salary of the district attorney. The traveling and other personal expenses of the district attorney in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases, shall be a county charge, and shall be paid for by the county in the same manner as other county charges.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four thousand five hundred dollars per annum; *provided*, that the office of such official shall be kept open the same as other public offices of the county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law. Each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person) into the county treasury for the benefit of the county.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, one thousand five hundred dollars per annum, and ten cents a mile in traveling to and from their residences to the county seat, or in the performance of duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only two mileages shall be allowed for each month; claims for mileage shall be allowed as other claims against the county.

SEC. 166. *Fourth class.* In counties of the fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk, nine thousand dollars per annum.

2. The sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive as additional compensation the mileage collected by him in criminal cases where the same is not a charge against his county.

3. The recorder, eight thousand dollars per annum.

4. The auditor, four thousand dollars per annum.

5. The treasurer, four thousand dollars per annum.

6. The tax and license collector, seven thousand dollars per annum for the combined office.

7. The assessor, nine thousand five hundred dollars per annum.

8. The district attorney, three thousand two hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that no justice of the peace shall be paid more than two thousand dollars in any one year for services in criminal cases; *provided further*, that he shall obtain, for his own use and benefit, all fees collected by him in civil cases. All other fees collected by such justice of the peace, after deducting the civil fees and the amount hereby allowed for his own services, shall be paid over to the county treasurer of said county.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one constable shall receive more than one hundred and twenty-five dollars in any one month, or twelve hundred dollars in any one year, for services in criminal cases.

15. Supervisors, twelve hundred dollars each per annum, and five hundred dollars per annum as road commissioners.

SEC. 167. *Fifth class.* In counties of the fifth class, the county officers shall receive as compensation for the ser-

vices required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, six thousand dollars per annum.

2. The sheriff, nine thousand dollars per annum, and such fees and mileage as are now or hereafter may be provided by law, for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken.

3. The recorder, four thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, three thousand four hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum, and the fees for making and executing tax deeds.

7. The assessor, six thousand dollars per annum.

8. The district attorney, thirty-six hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, seventy-five dollars per month, and ten cents per mile in traveling to and from county seat;

provided, mileage shall not be allowed oftener than once in each month; *provided further*, that the superintendent of schools, outside of his regular salary, shall be allowed his necessary traveling expenses, including mode of travel and hotel bills, in visiting public schools throughout the county, not exceeding three hundred dollars per annum, said amount to be allowed by the board of supervisors, and paid as other county charges.

SEC. 168. *Sixth class.* In counties of the sixth class county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, six thousand five hundred dollars per annum.
3. The recorder, two thousand five hundred dollars per annum.
4. The auditor, one thousand five hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand five hundred dollars per annum.
9. The superintendent of public schools, two thousand five hundred dollars per annum.
10. The public administrator, nine hundred dollars per annum.
11. The coroner, five hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, five dollars per day, and twenty-five cents per mile in going from their residence to the county seat, at each meeting of the board.
16. Each county and township officer shall be responsible on his official bond for the official acts of each of his

deputies; and may, at his own pleasure, revoke the appointment of any of said deputies.

17. In counties of this class there shall be an assistant district attorney and a deputy district attorney, to be appointed by the district attorney of said county, and to remain in office during the pleasure of the district attorney thereof. The salary of the assistant district attorney herein provided for is hereby fixed at the sum of eighteen hundred dollars per annum; the salary of the deputy district attorney herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum The salary of each of these officers herein provided for shall be paid in equal monthly installments, at the same time and in the same manner as the salaries of the other county officers. The boards of supervisors of counties of the sixth class are hereby empowered, immediately after the passage of this act, to appoint as emergency clerks as many persons as in their judgment may be necessary to complete the unfinished and accumulated work in the offices and on the books and records of the various offices of counties of the sixth class, when such emergency exists, and such necessary clerical labor is absolutely necessary in the interests of public welfare; and the persons so appointed as emergency clerks shall not be paid to exceed one hundred dollars per month each for said services; and the said emergency clerks are not to be appointed except where the accumulated and unfinished work in the said various offices demands same, and when the said work cannot be completed without the services of such emergency clerks; and it shall be the duty of the boards of supervisors of counties of the sixth class to keep a list of the persons so appointed as emergency clerks, and on the first Monday of each and every month furnish to the county auditor a list of the persons so employed and the amounts due to such emergency clerks; and it shall be the duty of the county auditor, upon the first Monday of each and every month, to draw his warrant upon the county treasurer, in favor of the persons appointed as emergency clerks whose names are contained in the list furnished to him by the board of supervisors, as herein provided, and it shall be the duty of the treasurer of said county to pay the

same, in the same manner as the salaries of the other officers of said county are paid.

18. The following county and township officers shall charge and collect the following fees: —

COUNTY CLERK.

On the commencement of any action or proceeding in the superior court, or an appeal thereto, including probate and insolvency proceedings, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars. On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars. For every additional defendant appearing separately, to be paid as above provided, one dollar. The foregoing fees shall be in full for all services rendered by such clerk in a cause, to and including the making up of the judgment roll. One dollar of the amount paid on the commencement of each action or proceeding shall belong to and be paid into the law library fund, as provided by law. On the filing of any notice of motion to move for a new trial in any civil action or proceeding, the party filing the same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, three dollars. The clerk shall also charge and collect the following fees and compensation not above provided for: For a copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, where such copy is made by him, per folio, ten cents; for each certificate of the clerk, under the seal of the court, twenty-five cents; for filing each claim in probate or insolvency proceedings, fifteen cents; no fees shall be allowed or charged by the clerk for services rendered in any criminal case; for services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees For issuing each marriage license, one half to be paid to the county recorder, two dollars; for recording the testimony upon examination of insane persons, when it is ascertained by the judge of the superior court that the person committed has property sufficient

wherewith to pay the expenses of his commitment, per folio, ten cents; for filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents; for issuing any license required by law, other than marriage licenses, one dollar; for examining and certifying to a copy of any paper, record, or proceeding prepared by another, and presented for his certificate, fifty cents; for making satisfaction of or credit on judgment, twenty-five cents; for receiving and filing remittitur from supreme court, fifty cents; for administering each oath, without certificate, except in any pending action or proceeding, ten cents; for taking any affidavit, except in pending actions or proceedings, and certifying same, twenty-five cents; for taking and approving each undertaking and the justification thereof, except in pending actions or proceedings, fifty cents; for searching records or files, for each year, fifty cents; for taking acknowledgment of any deed or other instrument, including the certificate, fifty cents; for filing notices of appeal and appeal bonds, each, ten cents.

SHERIFF.

For serving any process, writ, order, or paper required by law to be served by the sheriff, fifty cents; for serving a writ of attachment, execution, or order for the delivery of personal property, one dollar; for taking any bond or undertaking, fifty cents; for serving an attachment or execution on any ship, boat, or vessel, three dollars; for keeping and caring for property under attachment or execution, such sum as the court may fix, *provided*, that no greater sum than two dollars per day shall be allowed to a keeper when necessarily employed, for copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies; for advertising sale of property and posting notice, or furnishing notice for publication, each fifty cents; for publication of notice in newspaper, such sum as he may be required to pay for such publication, not exceeding seventy-five cents per square for the first insertion, twenty-five cents for the

second insertion, and fifteen cents for each insertion thereafter; for serving writ of possession or restitution, one dollar and fifty cents; for subpœnaing witness, including copy of subpœna, each twenty-five cents; for summoning trial jury of twelve or less, two dollars; for each additional juror, fifteen cents; for traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents; no constructive mileage to be allowed; for collecting money on execution, with or without levy, one per cent; for executing and delivering sheriff's deed, one dollar and fifty cents; for executing and delivering certificate of sale, fifty cents.

RECORDER.

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents; for indexing every instrument, paper, or notice, for each name, ten cents; for filing every instrument for record, and making the necessary entries thereon, fifteen cents; for each certificate under seal, twenty-five cents; for every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents; for searching the records of his office, for each year, fifty cents; for abstract of title, for each conveyance or encumbrance, twenty-five cents; for recording each map or plat, for each course, ten cents; for figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for filing and recording any map shall not exceed fifty dollars; for taking acknowledgment of any instrument, fifty cents; for recording marriage license and certificate, to be paid by the county clerk, one dollar; for recording transcript and all services in estray cases, one dollar; for recording each mark or brand, seventy-five cents; for administering each oath or affirmation and certifying the same, twenty-five cents; for filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff, and recorder shall account for all fees in this section provided for, and pay the same to the county treasurer on the first Monday of the month following their collection, as provided in this act.

JUSTICES OF THE PEACE.

Justices of the peace may for their own use collect the following fees, and no others: For filing each paper, five cents; for issuing each process, writ, order, or paper required by law to be issued, twenty-five cents; for entering every cause on the docket, and indexing same, fifty cents; for administering oath or affirmation, ten cents; for each certificate or affidavit, twenty-five cents; for entering final judgment, not exceeding two folios, fifty cents; each additional folio, ten cents; for taking and approving bond or undertaking, including the justification of sureties, fifty cents; for taking depositions, per folio, ten cents; for entering satisfaction of judgment, twenty-five cents; for copy of his docket or any file of his office, when required to make the same, per folio, ten cents; for certifying transcript on appeal and transmitting papers, fifty cents; for celebrating marriage and making return thereof to the recorder, five dollars; for all services in any criminal trial or proceeding, three dollars; for entering cause without process, fifty cents; for entering judgment by confession, one dollar; for entering every motion, rule, exception, or default, fifteen cents; for taking the acknowledgment of any deed or instrument, fifty cents; for all charges for transmitting papers on change of venue, one dollar; for holding inquest, when the coroner fails to act, five dollars; for each mile necessarily traveled in going to place of inquest, fifteen cents; for directing or attending the interment of each body upon which he may have held an inquest, two dollars.

CONSTABLE.

For serving summons and complaint, for first party served, fifty cents; for each additional defendant served, twenty-five cents; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar; for serving writ of attachment or execution on any ship, boat, or vessel, three dollars; for keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily

employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaint, and subpœnas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies; for serving any writ, notice, or order, except summons, complaints, or subpœnas, for the first person, fifty cents; on each subsequent person, twenty-five cents; for writing and posting each notice of sale of property, twenty-five cents; for furnishing notice for publication, twenty-five cents; for serving subpœnas, each witness, including copy, twenty-five cents; for collecting money on execution, one and one half per cent; for executing and delivering certificate of sale, fifty cents; for executing and delivering constable's deed, one dollar and fifty cents; for each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents; for traveling outside of his township to serve such writ, order, or paper, in going out, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper; no constructive mileage allowed; for each mile traveled within his township in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; for each mile traveled out of his township, both going and returning from place of arrest, five cents; *provided*, that no warrant of arrest or other criminal process shall be served by any constable out of his township, and mileage charged therefor, except such service be ordered, in writing, by the district attorney of the county; *and provided further*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged; for arresting prisoner and bringing him into court, one dollar; for summoning a jury, one dollar and fifty cents; *provided*, that the board of supervisors may reject all bills presented to the county by justices of the peace and constables for fees in criminal cases, in all cases of proceedings in which the district attorney has

not, in writing, authorized the issuance of the warrant of arrest.

County officers must, and township officers may, demand the payment of all fees in advance.

19. Jurors' and witnesses' fees shall be as follows: —

JURORS' FEES.

For attending as a juror in the superior court, for each day's attendance, per day, two dollars; for attending justice's court, for each juror sworn to try the cause, per day, two dollars; for each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents.

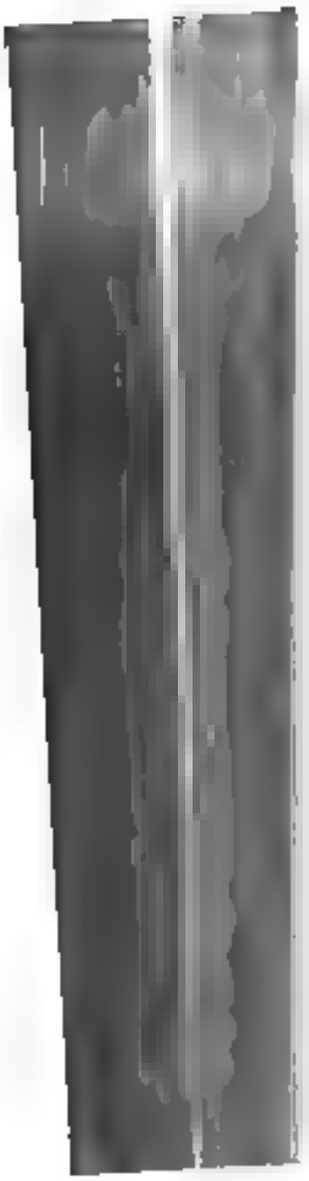
WITNESSES' FEES.

For each day's actual attendance when legally required to attend upon the superior court, per day, one dollar and fifty cents; mileage actually traveled, one way only, per mile, fifteen cents; for each day's attendance upon justice's court, when legally required to attend, per day, one dollar; for each mile actually traveled, in going only, fifteen cents. Witnesses in civil cases may demand the payment of their fees and mileage for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

SEC. 169. *Seventh class.* In counties of the seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, viz.: —

1. The county clerk, five thousand dollars per annum; *provided*, that the county clerk shall appoint one chief deputy, at a salary of one thousand two hundred dollars per annum, and two court-room deputies, at a salary of nine hundred dollars per annum each, the salary of all of which three deputies shall be paid by said county clerk out of said five thousand dollars compensation above named.

2. The sheriff, six thousand two hundred dollars per annum; *provided*, that the sheriff shall appoint one undersheriff, at a salary of one thousand five hundred dollars per annum; three deputy sheriffs, at a salary of nine hundred dollars per annum each, the salary of which undersheriff and said three deputies shall be paid by said sheriff



commenced, notice, rule, order, sub
property, to levy an execution, post
property under execution or other or
an order for the delivery of personal
session or restitution, to hold inques
property, in executing writ of habeas
taxes, in going only, twenty cents for
that if any two or more papers be re
in the same suit, at the same time, a
tion, one mileage only shall be charge
point to complete such service, which
cases, be estimated by the most pract

8. The recorder, three thousand
per annum; *provided*, that the recor
chief deputy, at a salary of one tho
dollars per annum, and two copyists, at
dred dollars per annum each, which sa
and of said two copyists shall be paid
of said three thousand nine hundred d
above named.

4. The auditor, one thousand dollar
5. The treasurer, two thousand doll
6. The tax collector, twelve hundr
num.

7. The assessor, four thousand two
annum; *provided*, that the assessor
deputy assessors, at a salary of three
annum each, all of which deputies' sal
by said assessor out of said four thou
dollars compensation above

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables shall receive, for their own use and benefit, the following fees, which shall be in full of all compensation for such service as is now or may hereafter be required of them by law: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar; for his trouble and expense in taking possession of and preserving property under an attachment or execution, or other process as the court shall order (*provided*, no more than two dollars per diem shall be allowed to a keeper), three dollars; for taking a bond or undertaking in any case he is authorized to take the same, fifty cents; for copy of any writ or process, or other paper, when demanded or required by law, for each folio, fifteen cents; for serving every notice, rule, or order, twenty-five cents; for advertising property for sale under execution or any judgment or order of sale, exclusive of the cost of publication, each fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all service in the matter, except mileage, two dollars; for serving subpœnas, for each witness served, twenty-five cents; for traveling to serve any summons and complaint or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold an inquest or trial of the right of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, to the

most distant point where service is made, thirty cents; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service; for commission for receiving and paying over money on execution, or other process, when lands or other personal property have been levied on or sold, on the first hundred dollars, two per cent, and on all sums above that amount, one per cent; for executing a certificate of sale, fifty cents; the fees herein allowed shall be collected from the judgment debtor; for making every arrest in a criminal action, other than on a charge of felony, one dollar; for making every arrest on a charge of felony, one dollar and fifty cents; for summoning a jury of twelve or less persons, two dollars; for each extra juryman over and above twelve, twenty-five cents; for every mile necessarily traveled in executing any warrant of arrest, serving subpœnas, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any court, to the most distant point within the constable's own county, thirty cents; *provided*, that when two or more persons, or two or more papers in the same case, are served at the same time, or in the same direction, or on the same trip, but one mileage shall be charged to the most distant point of service; for conveying a prisoner when under arrest, the necessary expense actually paid for the transportation of the prisoner. Constables shall not make any arrest, or serve any paper in a criminal case, on any person outside their own county, without first obtaining the written consent and order of the district attorney of their county to do and perform such service as aforesaid.

18. Supervisors, for all service required of them by law, or by virtue of their office, must be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the court-house; *provided*, that only one mileage must be allowed at each term; *and provided further*, that no supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the board of supervisors, or for any other cause; *provided*, that in no case shall the per

diem of the supervisors exceed eight hundred dollars each in one year.

16. The provisions of this section relating to the mileage of sheriff shall go into effect immediately.

The board of supervisors shall have power to levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads in the several road districts, in proportion to the amount collected from such districts.

SEC. 170. *Eighth class.* In counties of the eighth class, the county and township officers thereof shall receive, as compensation for the services required of them by law, or by virtue of their office, the salaries as follows, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, seven thousand dollars per annum.
3. The recorder, three thousand dollars per annum.
4. The auditor, two thousand dollars per annum.
5. The treasurer, two thousand five hundred dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, three thousand dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, two thousand dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, for all services rendered by him in criminal cases, or in actions or proceedings in which the people of the state of California are, or may be, parties, to be paid in monthly installments, not to exceed one hun-

dred and twenty-five dollars in any one month; and no claim of any such justice of the peace, in excess of the sum last named, shall be allowed or paid, but all fees collected by said justice, in criminal cases in excess of one thousand five hundred dollars per annum, shall belong to and be the property of the county in which such justice exercises his jurisdiction. All warrants of arrest must be issued by the justice in whose township the offense has been committed, unless the applicant for such warrant, by proper affidavit, to be filed with the justice to whom application is made therefor, shows, to the satisfaction of such justice, reasonable cause why such warrant should be issued by a justice without the township in which the offense was committed.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the state of California are, or may be, parties, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month; and no claim of any such constable, in excess of the sum last named, shall be allowed or paid, but all fees collected by such constable, in criminal cases, in excess of one thousand five hundred dollars per annum, shall belong to and be the property of the county in which such constable acts; *and provided further*, that the board of supervisors, in all cases where any township is partially or wholly embraced within the corporate limits of any incorporated city of over five thousand inhabitants (and said board may, at any time, determine such population), may, whenever they deem it necessary, allow each of the constables of such township a deputy, or such number of deputies as, in the judgment of the said board of supervisors, may be required to do and perform the business of such office in connection with the principal, and allow each of the deputies a salary therefor, not to exceed eighty dollars per month to each deputy; *provided further*, that an affidavit shall first be filed by such officer with the board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer.

15. The supervisors, six dollars per day for each day employed, together with twenty-five cents per mile traveling from their residence to the county seat; they shall also each receive, for services as road commissioner, the sum of five hundred dollars per annum.

16. The county clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office, and shall charge and collect, for all transcription, recording, and copying done by him, or in his office, for which the county clerk is now authorized and empowered to collect fees or make charges, twenty cents, and no more, per folio of one hundred words. All fees and charges received or collected by such county clerk shall belong to and be the property of the county, and paid into the treasury thereof; *provided*, that from and after the passage of this act he shall collect and receive, for his own use and benefit, the fees received by him for all copies or certified copies of any record or file in his office.

The county recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words for all documents or papers, or other matter recorded in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office; and he shall charge ten cents, and no more, for indexing each name in any document or paper filed in his office. All fees and charges received or collected by such recorder shall belong to and be the property of the county, and paid into the county treasury thereof, except fees received by him for all copies or certified copies of any record or file in his office, which fees for such copies or certified copies he shall collect and receive for his own use and benefit. He shall make abstracts of mortgages, deeds of trust, contracts, or other obligations by which debts are secured on real estate, for the assessor, as required by law, and shall receive therefor such compensation as, in the opinion of the board of supervisors, is just and *reasonable*.

17. The recorder may appoint a chief deputy, at a salary of one hundred and twenty-five dollars per month; an indexing deputy, at a salary of one hundred dollars per month; and a comparing deputy, at a salary of one hundred dollars per month. He may also appoint such copyists as are necessary to properly perform the duties of his office, at a compensation not to exceed six cents per folio for each and every folio copied; and the auditor shall draw his warrant, monthly, in favor of such copyists, upon an affidavit filed by each copyist so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed, notice of such appointment shall be immediately filed with the auditor of the county, and no warrant shall be drawn in favor of such copyist until such notice is filed.

18. The county clerk may appoint two deputies at a salary of one hundred and twenty-five dollars per month each, and two deputies at a salary of one hundred dollars per month each, one deputy at a salary of seventy-five dollars per month, and a copyist at a salary of sixty dollars per month, which salaries shall be paid by the county.

19. Parties commencing actions in the superior court, except in probate cases, shall deposit seven dollars and fifty cents with the clerk thereof, and upon the appearance in the action of the defendant or defendants, he or they must deposit two dollars and fifty cents with the clerk, which amount shall constitute the clerk's fees in full in such action, and the whole thereof must be paid into the county treasury, and in no case shall any rebate be made by the clerk. The fee for filing petition for letters of administration, testamentary, or guardianship, shall be seven dollars and fifty cents, to be paid to the clerk upon the filing thereof. When the inventory and appraisement is offered for filing, and it appears therefrom that the value of the estate exceeds five thousand dollars, the clerk shall demand and receive fifty cents for each and every one thousand dollars in excess of five thousand dollars; which said fees shall constitute the clerk's fees in full in such action, and the whole thereof must be paid into the county treasury, and in no case shall any rebate be made by the

clerk. In all actions now pending, in which a deposit has been made with the clerk by the plaintiff or defendant, the same shall constitute the fees in such action, and be in full of all clerk's fees therein.

20. The sheriff may appoint one under sheriff at a salary of one hundred and fifty dollars per month; three deputies, at a salary of one hundred dollars per month each, and a jailer, at a salary of eighty-five dollars per month. The sheriff shall collect and receive, for his own use and benefit, all fees and charges for serving process within his county, when the action or matter from whence such process originated is pending without his county.

21. The district attorney may appoint one assistant district attorney, at a salary of two thousand dollars per annum, and two deputy district attorneys, at a salary of fifteen hundred dollars per annum.

22. The auditor, treasurer, and superintendent of schools may each appoint one deputy, at a salary of one hundred dollars per month each.

23. The board of supervisors may appropriate from the general fund of the county the sum of two thousand five hundred dollars each year, to aid in and carry on the work of inducing immigration thereto.

24. All the provisions herein, relating to counties of this class, shall take effect from and after the date of the approval of this act; *provided*, that nothing in this section shall affect in any manner the length of terms or the salaries fixed for present incumbents holding any of the said offices, nor shall this section affect in any manner the number of deputies nor the compensation thereof as allowed by law on the first day of January, eighteen hundred and ninety-three.

25. All shorthand reporters appointed by magistrates to take down the testimony and proceedings had in threatened offenses, and at the preliminary examination of parties charged with offenses triable in the superior court, must present their claims for such services to the board of supervisors for allowance, and no justice of the peace or magistrate shall have the authority to draw an order upon the county auditor for a warrant for such services.

26. The officers mentioned in section fifty-seven of this

act, except as hereinafter provided, shall be elected in the year eighteen hundred and ninety-four, and every two years thereafter, and shall take office at twelve o'clock, meridian, on the first Monday after the first day of January next succeeding their election; *provided*, that supervisors, assessors, and superintendents of schools shall be elected as hereinbefore provided in this act. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified.

SEC. 171. *Ninth class.* In counties of the ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, viz.:—

1. The county clerk, two thousand seven hundred and fifty dollars per annum.

2. The sheriff, three thousand six hundred dollars per annum. The sheriff shall also receive, for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum.

7. The assessor, two thousand two hundred dollars per annum.

8. The district attorney, three thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the board of supervisors, six hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board, and fifteen cents a mile mileage in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed.

16. The county clerk may appoint one chief deputy, at a salary of one thousand two hundred dollars per annum, two court-room deputies, at a salary of nine hundred dollars per annum each. The county recorder one deputy at a salary of one thousand two hundred dollars per annum, and two deputies at a salary of nine hundred dollars per annum each. The treasurer may appoint one deputy at a salary of one thousand five hundred dollars per annum. The assessor may appoint one office deputy at a salary of one thousand two hundred dollars per annum, and fifteen deputies, to serve from the first Monday in March to the first Monday in July of each year, and shall each receive four dollars per day for each day they actually and necessarily attend to the duties of the office, and he shall also receive fifteen per cent of all amounts collected by him for poll taxes, and six per cent on personal property tax collected by him. The district attorney may appoint an assistant district attorney at a salary of fifteen hundred dollars per annum, and a deputy district attorney at a salary of nine hundred dollars per annum. The sheriff may appoint an under sheriff, who shall receive a salary of one thousand five hundred dollars per annum; a clerk, who shall receive a salary of nine hundred dollars per annum; a deputy sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs or court-room deputies, each of whom shall receive a salary of nine hundred dollars per annum; two jailers, who shall receive a salary of nine hundred dollars per annum each.

The officers named in section one hundred and seventy-one of this act shall be elected in the year one thousand eight hundred and ninety-four, at the time provided by law, and shall hold office for the period of four years from

dollars; for filing petition and other services in the matter of the adoption of a minor, including the entry of the final order of adoption, five dollars; for all services in estates of deceased persons and guardianships from the filing of the inventory, including final discharge of executor, administrator, or guardian, the following fees, to wit: In any estate of the value of twenty-five hundred dollars, as shown by the inventory, two dollars; in any estate, the value of which is over twenty-five hundred dollars and less than twenty-five thousand dollars, as shown by the inventory, the sum of one dollar for each one thousand dollars or fraction thereof; in any estate of the value of twenty-five thousand dollars, and less than fifty thousand dollars, the sum of one dollar for each thousand dollars up to twenty-five thousand dollars, and fifty cents for each additional thousand dollars or fraction thereof; in any estate of the value of fifty thousand dollars or more, the sum of thirty-seven dollars and fifty cents for the first fifty thousand dollars, and twenty-five cents for each additional one thousand dollars or fraction thereof.

Insolvency. For filing petition by debtor and all services up to and including final discharge of debtor, including filing claims (except mailing notices to creditors), fifteen dollars; for mailing notices to creditors, for each notice, ten cents; for filing creditors' petition, and all services upon the appointment of a receiver or assignee, five dollars; for filing and entering order appointing receiver or assignee, and all services up to and including final discharge of receiver or assignee, five dollars.

Miscellaneous. For taking depositions, per folio, twenty-five cents; for issuing commission to take testimony, one dollar; for certifying to depositions, one dollar; for taking acknowledgment or justifying sureties, each name fifty cents; for taking and writing testimony of surety, per folio, twenty-five cents, for writing and certifying to copy of any record in his office (including comparing, exclusive of certificate), per folio, twenty cents; for comparing copy of any record in his office (when written by the party), per folio, ten cents; for certifying to copy of any record in his office, fifty cents; for filing and indexing articles of incorporation or certificate of copartnership, one dollar; for fil-

ing any paper or instrument, where the fee is not otherwise provided by law, twenty-five cents; for recording any instrument not included in an action or proceeding, per folio, twenty-five cents; for issuing marriage license, including the fee of the recorder for recording same, two dollars; for registering dental certificate, one dollar; for recording physician's license, fifty cents; for any other services not herein enumerated, such fees as are now or may hereafter be provided by law.

The provisions of this section relating to fees shall take effect and be in force from and after its passage.

SEC. 172. *Tenth class.* In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, six thousand one hundred dollars.
2. The sheriff, nine thousand dollars.
3. The recorder, eight thousand dollars.
4. The auditor, three thousand five hundred dollars.
5. The treasurer, three thousand two hundred dollars.
6. The tax collector, six thousand five hundred dollars.
7. The assessor, nine thousand dollars.
8. The district attorney, five thousand dollars.
9. The superintendent of schools, three thousand dollars.
10. The coroner, five hundred dollars.
11. The public administrator, six hundred dollars.
12. The supervisors, eight dollars per day, and twenty cents mileage in going from their residences to the county seat.
13. The surveyor, such fees as are now or may hereafter be allowed by law.
14. Justices of the peace, such fees are now or may hereafter be allowed by law; *provided*, that where such justices are engaged to exceed one day in the trial or examination of criminal cases, they shall receive for each day so engaged a sum not exceeding ten dollars.
15. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage shall not exceed fifteen cents for each mile traveled, going

one way, in the discharge of the duties of his office, and actual railroad fare for prisoners.

SEC. 173. *Eleventh class.* In counties of the eleventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.

2. The sheriff, eight thousand five hundred dollars per annum, and mileage for the service of any and all process required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid out of the county treasury.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, five thousand dollars per annum.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Constables, such fees as are now or hereafter may be allowed by law.

14. Justices of the peace, such fees as are now or hereafter may be allowed by law.

15. Supervisors, eighteen hundred dollars per annum for all services required of them as supervisors and road commissioners. The provisions of this subdivision shall take effect January first, eighteen hundred and ninety-five.

16. The fees and compensations of constables in criminal cases or proceedings to which the people of the state of

California are or may be made parties shall not exceed seventy-five dollars for any one month. All moneys in excess of this sum shall, by said constable, be paid into the county treasury, and the provisions of this subdivision shall not in any way be construed to affect present incumbents.

17. The county clerk may appoint three deputies, who shall receive from the county a salary of one thousand and twenty dollars per annum, each.

18. The district attorney may appoint one deputy, who shall receive from the county the salary of one thousand five hundred dollars per annum; also, one deputy, who shall receive from the county a salary of twelve hundred dollars per annum.

19. The recorder may appoint one deputy, who shall receive from the county a salary of twelve hundred dollars per annum.

20. The superintendent of schools may appoint one deputy, who shall receive from the county a salary of one thousand and twenty dollars per annum.

21. The assessor may appoint fourteen deputies for the months of March, April, and May, at a salary of five dollars per day. He may also appoint six deputies for the month of June, at a salary of five dollars per day.

In counties of the eleventh class it shall be the duty of the county clerk to collect in advance and pay into the county treasury, in the cases hereinafter mentioned, the following fees, viz.: —

1. In all civil actions, and all special proceedings of a civil nature, and for all informations filed by a citizen for the purpose of removing an officer: —

(*a*) From the plaintiff or informer, on the commencement of every such action or proceeding, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the entry, recording, and docketing of the judgment, and making up and filing the judgment roll.

(*b*) From the defendant in such cases, on his appearance, five dollars; which shall be in full for all like services.

(*c*) From the moving party, on filing notice of motion,

for each motion to vacate or set aside any final order or judgment, except in probate cases, and for each motion for new trial, five dollars; which shall be in full for all services to be performed by such clerk, to and including the entry of the order finally granting or denying such motion.

(*d*) From the appellant, on filing any notice of appeal to the supreme court from any order, judgment, or decree, ten dollars; which shall be in full for all services to be performed by such clerk thereon, to and including the filing of the remittitur from the supreme court on such appeal.

2. In the matter of every estate and guardianship: —

(*a*) From the petitioner, on filing each petition for letters testamentary, or of administration, or of guardianship of the person or estate of any minor, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing of the inventory and appraisement in the matter of such estate or guardianship.

(*b*) Upon the filing of such inventory and appraisement, before any further proceedings are had, the sum of one dollar for each and every thousand dollars of the appraised value of the estate of such minor or decedent; which shall be in full for all services to be performed by such clerk in the matter of such estate or guardianship, to and including the filing, entry, and recording of the final decree of settlement and distribution therein, or the decree finally partitioning such estate; *provided*, that in all cases where the estate of any decedent shall be summarily distributed in the manner provided by section one thousand four hundred and sixty-nine of the Code of Civil Procedure of this state, ten dollars shall be in full for all services performed therein by such clerk, to and including the final entry and recording of the decree summarily disposing thereof.

(*c*) On the filing of every petition for the removal of any executor, administrator, or guardian, or the filing of any objection to the probate of any will or testament, or to the appointment of any administrator, executor, or guardian, or the citation of any executor, administrator or guardian to appear and answer concerning any matter

touching such executorship, administratorship, or guardianship, from the person filing such petition, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing and entry of the order or decree finally determining the same.

(*d*) From the appellant, on filing any notice of appeal to the supreme court from any order or decree made in the matter of any estate or guardianship, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the filing of the remittitur from the supreme court on such appeal.

3. In case of any appeal to the superior court, or transfer of any case thereto: —

(*a*) From the appellant, on receipt of any papers or transcript on appeal from any justice's or inferior court, the sum of five dollars; which shall be in full for all services of such clerk, to and including the entry of final judgment, and making and filing of the judgment roll and remitting of any order of dismissal or affirmance required by law.

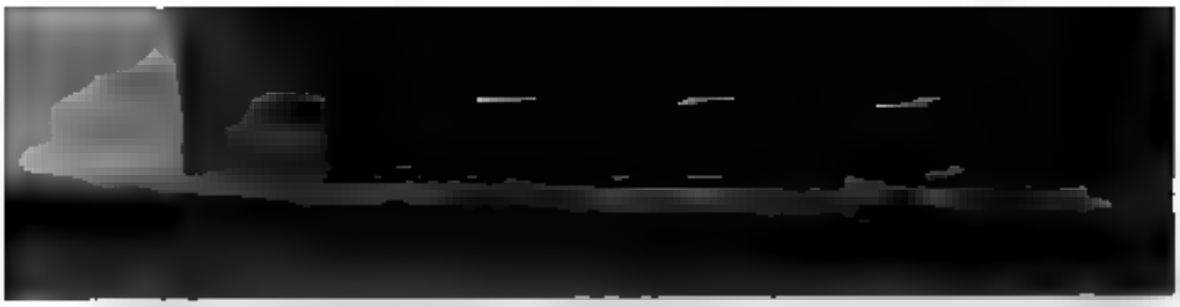
(*b*) From the moving party on the filing of the papers in any case transferred to the superior court from any justice's or inferior court pursuant to any statute, ten dollars; which shall be in full for all services to be performed by such clerk, to and including the entry of final judgment, and making and filing of the judgment roll, or the remitting of any order of dismissal or affirmance, or any order remanding such case to any lower court.

(*c*) On the filing of the papers in every case for change of venue made to the superior court from the superior court of any other county, the sum of ten dollars; to be in full for all services to be performed by such clerk, to and including the entry, recording, and docketing of the final judgment, and making up and filing of the judgment roll.

4. On the filing of any petition in insolvency: —

(*a*) From the person so filing the same, the sum of ten dollars, which shall be in full for all services to be performed by such clerk in the matter of such insolvency, to and including the order finally determining such matter.

(*b*) From the appellant, on the filing of any notice of appeal from any order or decree made in the matter of such insolvency, ten dollars; which shall be in full for all



services to be performed by such clerk, to and including the filing of the remittitur from the supreme court on such appeal.

5. No fees shall be charged in any criminal case, nor for any service performed upon any writ of habeas corpus, nor against the state or county, nor against any public officer suing in his own name on behalf of the state or county pursuant to any statute or ordinance; *provided*, that where any action is commenced by such state or county, at the relation of any person not a public officer, the fees herein provided for shall be paid by such relator.

6. In addition to the fees hereinbefore provided for, such clerk shall charge and collect the following fees: —

(*a*) For the issuance of any execution, order of sale, or any other writ or process subsequent to the entry of judgment, except in the cases mentioned in the last subdivision, one dollar; which shall include the filing of such execution, order, writ, or process on return, and the entry of partial or entire satisfaction thereon.

(*b*) For the copying of any record or other document or paper, fifteen cents per folio.

(*c*) For each certificate, except in criminal cases, fifty cents.

(*d*) For each affidavit not made by a public officer pursuant to any statute, nor in the case of any action or proceeding, nor in pursuance of any registration or election law of this state, fifty cents.

(*e*) For taking testimony on the justification to any undertaking or bond, or the taking of any deposition, including the certificate thereto, twenty cents per folio.

(*f*) For taking the acknowledgment to any deed or other writing, one dollar for each person acknowledging the same.

(*g*) For issuing each marriage license, two dollars and fifty cents.

This act shall take effect and be in force, so far as it relates to fees collected by the county clerk, from and after its approval.

SEC. 174. *Twelfth class.* In counties of the twelfth class, the county officers shall receive as compensation for

the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. County clerk, three thousand six hundred dollars per annum.

2. The sheriff, five thousand dollars per annum.

3. The recorder, three thousand two hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees: For recording any instrument, notice, or paper containing less than two hundred and fifty words, twenty-five cents; from two hundred and fifty words to four hundred and forty-nine words, fifty cents; from four hundred and fifty to six hundred and forty-nine words, seventy-five cents; from six hundred and fifty words to seven hundred and ninety-nine words, one dollar; from eight hundred words to nine hundred and forty-nine words, one dollar and twenty-five cents; from nine hundred and fifty words to eleven hundred words, one dollar and fifty cents; more than eleven hundred words, fifteen cents for each folio; all headings and certificates of filings to be included in the count; for copies of any record or paper, the same fee as for recording; for indexing any instrument, paper, or notice, twenty-five cents for each name indexed; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, and marking same on indexes, fifty cents; for searching records or files in his office for each year, when required, fifty cents; for abstract of title, for each conveyance or encumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures or letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for the first signature, fifty cents, for each additional signature, twenty-five cents; for recording marriage license and certificate, one dollar; for recording each mark or brand, seventy-five cents; for administering each oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for filing, indexing, and keeping each map or paper not required by law to be recorded, fifty cents; for

SALARY OF COURT REPORTER.

The official court reporter, for all services required of him in the superior court, excepting for transcribing his shorthand notes into long hand, a salary of twelve hundred dollars per annum, to be paid monthly, as the salaries of county officers are paid; for transcribing his notes into long hand when required, twelve and one half cents for each folio, to be paid for, when completed, by the party in a civil action who directs the work to be done, but shall ultimately be taxed as costs in the action.

In all criminal trials in the superior court where the judge orders the notes transcribed, the same shall be paid from the county treasury on order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect, each day in advance, two dollars and fifty cents per day from each side to the controversy, and shall pay the same into the county treasury on the first Monday of each month. At the conclusion of the trial or proceeding such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in such matter, trial, or proceeding.

13. Supervisors, each, seven hundred dollars per annum, without mileage; *provided*, that when required to go on business for the county, other than to attend the meetings of the board, they shall be allowed their actual and necessary expenses.

14. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a popula-

tion of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or hereafter may be allowed by law, for all services performed by him in civil actions.

15. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand, sixty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

FEES OF OFFICERS.

No fee shall be charged by any officer for administering and certifying the oath of office, for swearing pensioners and their witnesses, or filing and recording official bonds. The following fees shall be charged and collected by the officers hereinafter named for services required to be performed by them by law, and such officers must pay such fees into the county treasury, except such as they may by law be entitled to retain for their own use and benefit. All fees shall be payable in lawful money.

FEES OF SHERIFF.

For serving a summons and complaint, on each defendant, one dollar; for serving and levying an attachment or execution on property, executing an order of arrest, or

order for the delivery of personal property, two dollars; for serving an attachment on any ship, boat, or vessel in proceedings to enforce any lien thereon created by law, three dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution or other process, such sums as the court may order; *provided*, that not more than three dollars per day shall be allowed to a keeper; for taking bond or undertaking in any case he is authorized to take the same, one dollar; for copy of any writ, process, or other paper, when demanded as required by law, for each folio, twenty cents; for serving every notice, rule, or order, one dollar; for advertising property for sale under execution or under any judgment or order of sale, exclusive of cost of publication, one dollar; for serving a writ of restitution or putting a person in possession of premises and removing the occupant, three dollars; for serving a subpœna, for each witness summoned, fifty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to execute an order for the delivery of personal property, writ of possession, or restitution (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service), for each mile necessarily traveled, one way only, thirty cents; for commissions in receiving and paying over money on execution or other process, when real or personal property has been levied on and sold, on the first one thousand dollars, three per cent; on all sums above that amount, two per cent; for commissions in receiving and paying over money on execution, without levy, or when land or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and on all sums over that amount, one per cent; the fees herein allowed for the levy of an execution, costs of advertising, and percentage for making and collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed thereon to be made; for drawing

and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars and fifty cents; for executing a certificate of sale, exclusive of filing and recording the same, one dollar; for summoning a trial jury of twelve persons or less, four dollars; for conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed for the boarding of prisoners such sum as the board of supervisors may deem necessary.

FEES OF COUNTY CLERK SHALL BE.

For issuing marriage license, one half of which shall be paid to the county recorder, two dollars; for filing articles of incorporation, fifteen cents, and for indexing each name therein, fifteen cents; for filing certificate of copartnership, fifteen cents, and for indexing each name therein, fifteen cents; for all certificates under seal, fifty cents; for issuing each bridge or ferry license, one dollar; for copy of any paper, order, ordinance, or franchise, per folio, twenty cents; for taking acknowledgment, for the first name, fifty cents, and for each additional name to same instrument, twenty-five cents; for searching records or files of each year, except for suitors or their attorneys, fifty cents; for recording papers required to be recorded, when not connected with any suit or proceeding, for each folio, fifteen cents, and for indexing the same, twenty cents; for filing all papers not herein enumerated to be kept by him, ten cents, and for indexing such papers, for each name, ten cents; for issuing each license not herein provided for, one dollar.

Deposit of clerk's fee required. No fee shall be charged or collected by the clerk in probate and other civil matters, except as herein provided, and the fees hereinafter allowed shall be in full payment for all services rendered by him in each matter, action, or proceeding, and no part of such fee shall ever be refunded, but the whole thereof shall be paid by the clerk into the county treasury. The fee in all probate matters shall be paid when the inventory and appraisement is filed, and shall be as follows, to wit: In estates valued at two thousand five hundred dollars or less, five dollars; in estates appraised above two thousand five hundred dollars and *less than* five thousand dollars, ten

dollars; in estates appraised at five thousand dollars and less than ten thousand dollars, fifteen dollars; in estates appraised at ten thousand dollars and less than twenty thousand dollars, twenty dollars; in estates appraised at twenty thousand dollars and less than thirty thousand dollars, thirty dollars; in estates appraised at thirty thousand dollars and less than forty thousand dollars, forty dollars; in estates appraised at forty thousand dollars and less than fifty thousand dollars, fifty dollars; in estates appraised at fifty thousand dollars and less than sixty thousand dollars, sixty dollars; in estates appraised at sixty thousand dollars and less than seventy thousand dollars, seventy dollars; in estates appraised at seventy thousand dollars and less than eighty thousand dollars, seventy-five dollars; in estates appraised at eighty thousand dollars and less than ninety thousand dollars, eighty dollars; in estates appraised at ninety thousand dollars and less than one hundred thousand dollars, eighty-five dollars; in all estates appraised at one hundred thousand dollars and over, ninety dollars.

Fees in civil actions and proceedings. In all civil actions and proceedings in the superior court, the clerk must require the fee to be paid by the plaintiff or party instituting the proceedings when the action or proceeding is commenced, and by the defendant when he appears, demurs, or answers. Such fees shall be as follows, to wit: In appeals from justices' courts, by appellant, five dollars; from the appellee, three dollars; in cases of insolvency, from insolvent or petitioners, fifteen dollars; from any one objecting, five dollars. On the change of venue from any other county, the person on whose behalf the change was made, when the papers are filed, seven dollars; the other party to such action, before trial, five dollars. In all other actions and proceedings not herein enumerated, from the plaintiff or party bringing the proceeding, ten dollars; from the defendant, five dollars. All fees for services when not rendered in connection with any suit or proceeding in the superior court shall be collected by the clerk at the time the services are rendered. All fees herein allowed shall be paid by the clerk into the county treasury on the first Monday of each month, and the clerk

shall designate in his statement to the treasurer the amount thereof which belongs to the law library fund.

FEES OF RECORDER.

For recording every instrument, paper, or notice, each folio, fifteen cents; for indexing every instrument, paper, or notice, each name, fifteen cents; for copies of any record or paper, each folio, fifteen cents; for every instrument for record, and making the necessary entries on such instrument, fifteen cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing, fifty cents; for searching records or files in his office, for each year, when required, fifty cents; for abstract of title, for each conveyance or encumbrance certified to, fifty cents; for recording each plat or map, each course, ten cents; for figures or letters on plats or maps, per folio, twenty-five cents; *provided*, that the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgment, including seal, first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage licenses and certificate, to be paid by the clerk, one dollar; for recording transcript and all other services in estray cases, one dollar; for each mark or brand, one dollar; for administering each oath or affirmation, twenty-five cents; for indexing and keeping each paper not required to be recorded, twenty-five cents; for all services not herein enumerated, the same fees as are allowed the clerk of the superior court for similar services.

JURORS.

Grand and trial jurors in the superior court shall receive two dollars per day; for each mile necessarily traveled in coming from their homes to the court-house, thirty cents. Jurors excused by the court for more than two days at one time shall be entitled to the same mileage on their return as on their first appearance. If a juror be excused on his own request before being called into the jury-box on any day, he shall not be entitled to per diem for that day. All allowances to jurors, when to be paid by the county, shall be made by the court, and *shall* be certified by the clerk.

to the county auditor, who shall draw his warrant for the amount due each juror according to such certificate, and such warrants shall be paid by the treasurer out of the general fund of the county.

WITNESSES' FEES.

Witnesses in criminal cases in the superior court shall receive the same per diem and mileage as are now allowed, or may hereafter be allowed, by law to witnesses in civil cases, and shall be paid by the county in the same manner as allowances to jurors; *provided*, witnesses coming from another county shall be entitled to mileage for the distance necessarily traveled within the county where the trial is held; *provided further*, that such witnesses as come from other counties in obedience to a subpœna shall have their actual and necessary expenses, incurred outside of the county, paid.

This section, so far as it relates to court reporters, constables, justices, jurors, witnesses, and deposit to clerk for civil and probate cases, shall take effect and be in force from and after its passage.

SEC. 176. *Fourteenth class.* In counties of the fourteenth class, the county officers shall receive as compensation for the service required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit the fees, commissions, and mileage for the service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, two thousand dollars per annum.

4. The auditor, six hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, fifteen hundred dollars per annum.

7. The assessor, two thousand five hundred dollars per annum; *provided*, that the assessor may appoint four deputies for the months of March, April, May, and June of each year, at a salary of one hundred dollars per month each, payable in the same manner and at the same times that the salary of the assessor is paid.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county, not to exceed four hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, nine hundred dollars per annum, which shall be in full compensation for all services rendered as supervisor or road commissioner, including mileage.

The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as hereinafter provided; and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer by law is entitled to receive the fees collected for his own use and benefit. All fees shall be paid in gold or silver coin of the United States.

FEES OF COUNTY CLERK.

At the commencement of each suit the clerk shall be entitled to demand and receive from the plaintiff, not to exceed the sum of ten dollars, to cover costs to time of judgment, and from the defendant, three dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the clerk should be insufficient, he shall be entitled to demand from either party such further sums as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the clerk to the party who advanced them, on *demand*. The clerk of the su-

under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, fifty cents; for searching records or files in his office, for each year, when required, fifty cents; for abstracts of title for each conveyance or encumbrance certified, fifty cents; for recording every plat or map, for each course, six cents; for figures and letters on plats and maps, per folio, twenty five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording transcript and all other services in estray cases, seventy-five cents; for recording each mark or brand, fifty cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, fifty cents; for all other services not herein enumerated, the same fees as are allowed the clerk of the superior court for like services. All fees and charges received or collected by such recorder shall belong to and be the property of the county, and paid into the treasury thereof, except fees received by him for all copies or certified copies of any record or file of his office, which fees for such copies or certified copies he shall collect and receive for his own use or benefit. He shall also receive from the county for making abstract of mortgages, deeds of trust, contracts, or other obligations by which debts are secured on real estate, for the assessor, as required by law, ten cents for each mortgagee or grantee, which shall be full compensation for making such abstract. From and after the passage of this act he may also appoint such copyists as are necessary to properly perform the duties of his office, at a compensation not to exceed six cents per folio for each and every folio copied, and the auditor shall draw his warrant monthly in favor of such copyists, upon an affidavit filed by each copyist so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum

7 The assessor, four thousand dollars per annum.

8 The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11 The superintendent of schools, one thousand five hundred dollars per annum.

12 The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

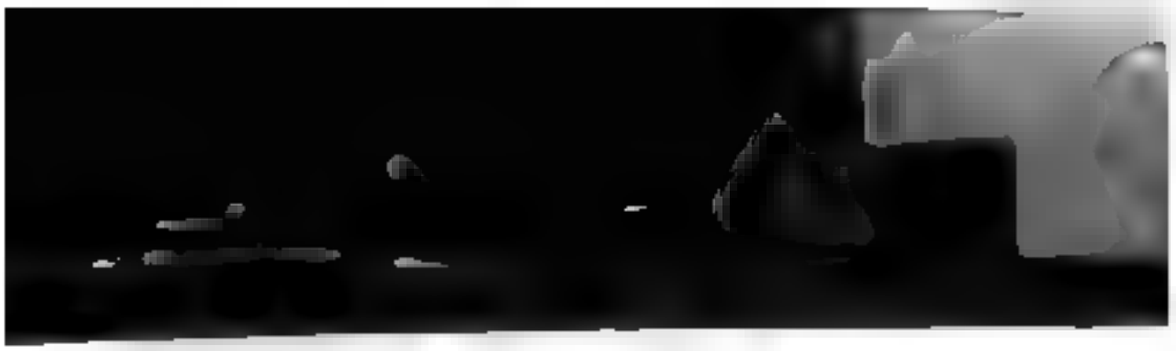
14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, or road commissioners, nine hundred dollars each per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way, *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. The board of supervisors may, when requested by the official reporter of the superior court and recommended by the judge thereof, allow such reporter such monthly salary as may be deemed reasonable, but which shall not be less than ($50) fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said superior court, reporting criminal cases tried therein, and transcribing the same when required, *provided*, that the county auditor shall not draw his warrant for said salary, except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

first one thousand dollars, two per cent, and all sums above that amount, one per cent; for commissions for receiving or paying over money on execution without levy, or when the lands or goods levied on shall not be sold, two per cent on the first thousand dollars, and one per cent on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, or making or collecting the money on an execution, shall be collected from the defendant by virtue of such execution in the same manner as the sum therein directed to be made; for drawing and executing every sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, three dollars; for serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars; for travel in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going only, thirty cents. He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment, or execution, or other process, and of preserving the same, as the court from which the writ or order may issue shall certify to be just and reasonable; for all services in justices' courts, the same fees as are allowed to constables in like cases. The sheriff shall be entitled to the actual expenses incurred by him while traveling on criminal business outside of the county, other than the conveyance of prisoners to the state prison. He shall also be allowed to retain for his own use the amount allowed by the state for the conveyance of prisoners to the state prison, and conveyance of persons to the insane asylum.

FEES OF JUSTICES OF THE PEACE.

For all services required to be performed by him before trial, two dollars; for each writ of attachment or replevin, two dollars; for the trial of all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, and issue of execution thereon, three dollars; for each hour actually occupied by the trial of each cause, twenty-five cents; in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment,



three dollars; for certificate and papers of appeal, one dollar; for copies of papers or docket, per folio, fifteen cents; for issuing a search warrant, to be paid by the party demanding the same, fifty cents; for celebrating a marriage and returning a certificate thereof to the county recorder, three dollars; for taking depositions, per folio, fifteen cents; for administering an oath and certifying the same, twenty-five cents; for issuing a commission to take testimony, fifty cents; for taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with the posting of estrays, including the transcript for the recorder, two dollars; in all cases before justices of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars, and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him; all fees of justices of the peace, including those on trial and those on appeal, must be paid before the justice shall be compelled to forward any papers on appeal; for all services appertaining to the coroner's office, which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner for similar services.

Criminal cases. For all services and proceedings before a justice of the peace in a criminal action or proceeding, whether on examination or trial, three dollars; when the actual trial or examination of a criminal case shall exceed six hours, fifty cents per hour for each additional hour actually engaged in the trial or examination.

CONSTABLES' FEES.

For summoning a jury before a justice of the peace, including mileage, two dollars; for making sale of estrays, the same fees as for sales on execution; for serving summons in civil cases, for each defendant, fifty cents; for traveling in making such services, per mile, in going only, thirty cents; *provided*, that if any two or more papers are required to be served in the same suit, at the same time, and in the same direction, *one mileage* only shall be charged;

for taking bonds or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any paper when demanded or required by law, per folio, twenty cents; for serving a subpœna, for each witness, fifty cents; for serving a notice, rule, or order, fifty cents; for traveling, per mile, for serving extra venire or subpœna (but when two or more live in the same direction, fees shall be charged only for the most distant), thirty cents; for serving an attachment, for levying an execution, for executing an order of arrest, for executing an order for delivery of personal property, one dollar and fifty cents, and mileage, if the same does not accompany summons; for making and posting notices of sale and advertising property for sale, on execution or order of sale, one dollar; commission for receiving or paying over money on execution or process, when property has been sold on process, first one thousand dollars, two per cent; over, one per cent; for drawing or executing a deed, three dollars; grantee pays for this and also acknowledgment of same; for traveling in service of any process not mentioned, in going only, thirty cents.

Criminal cases. Subpœnaing witnesses, twenty-five cents; arresting prisoner, two dollars; mileage going to make an arrest, in going only, twenty cents; mileage taking prisoner to court from place of arrest, in going only, twenty cents; mileage taking prisoner from place of arrest, in going only, twenty cents; mileage taking prisoner from jail to court, in going only, twenty cents; summoning jury in justice's court, including mileage, two dollars; for each additional juror on extra venire, including mileage, twenty cents; mileage subpœnaing witnesses, twenty cents; mileage when more than one prisoner is taken at the same time, for each additional prisoner, fifteen cents. Only one mileage is to be charged per day for taking prisoner from prison and before court or magistrate. In serving subpœna or venire, when two or more jurors live in the same direction, mileage is to be charged only for the most distant. Constables shall not make any arrest or serve any paper in a criminal case on any person outside of their own county, without first obtaining the written consent and order of the district attorney of their county to do and perform such service as aforesaid.

FEES OF CORONER.

For summoning a jury of inquest, two dollars; for swearing a jury, forty cents; for issuing subpœnas, twenty-five cents for each witness; for issuing a warrant of arrest, forty cents; for each mile necessarily traveled in going to the place of the dead body, twenty cents; for swearing each witness, twelve cents; for taking down testimony, per folio, twelve cents.

The coroner shall cause the testimony given by witnesses at inquests held by him to be reduced to writing, under his direction, and may employ a clerk or stenographer for that purpose at the same compensation as is now allowed to stenographers in the superior court of this state; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of the witness or witnesses giving such testimony; *provided*, that such stenographer shall receive twelve cents a folio for transcribing such testimony, and in such case the coroner shall receive no fee for the taking down or transcribing of such testimony.

FEES OF PUBLIC ADMINISTRATOR.

The public administrator shall receive four per cent of the amount of each estate administered upon by him, which percentage shall be the only compensation allowed for his services.

The provisions of this act respecting the fees of county clerk, recorder, sheriff, county surveyor, coroner, public administrator, justices of the peace, and constables of counties of the fourteenth class, shall take effect immediately.

SEC. 177. *Fifteenth class.* In counties of the fifteenth class, the county officers shall receive as compensation for the services required of them by law, the following salaries: —

1. The county clerk, three thousand six hundred dollars per annum.

2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions, and mileage which are now or which may hereafter be allowed

by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, three thousand six hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand six hundred and fifty dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. The supervisors, each the sum of six dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

SEC. 178. *Sixteenth class.* In counties of the sixteenth class, the officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand six hundred dollars per annum.

2. The sheriff, seven thousand dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, or road commissioners, nine hundred dollars each per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. The board of supervisors may, when requested by the official reporter of the superior court and recommended by the judge thereof, allow such reporter such monthly salary as may be deemed reasonable, but which shall not be less than ($50) fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said superior court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the county auditor shall not draw his warrant for said salary, except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

The following fees are allowed to the officers hereinafter named, for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer by law is entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar; for serving an attachment on any boat, ship, or vessel, in proceedings to enforce any lien thereon created by law, two dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment, or execution, or other process, such sum as the court may order; *provided*, that no more than two dollars per diem shall be allowed to a keeper; for taking bonds or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all services in the matter except mileage, two dollars; for serving a subpœna, for each witness summoned, twenty-five cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if two or more

s be required to be served in the same suit, at the time, and in the same direction, one mileage only be charged, to the most distant point, to complete such s), for each mile necessarily traveled, in going only, y cents; for commissions for receiving and paying money, on execution, or other process, when land or nal property has been levied on and sold, on the first ousand dollars, one per cent; on all sums above that nt, one half of one per cent; for commissions in receiv- nd paying over money on execution without levy, or lands or goods levied on shall not be sold, on the first housand dollars, one half of one per cent, and one of one per cent on all sums over that amount. The erein allowed for the levy of an execution, costs of tising, and percentage for making or collecting the y on execution, shall be collected from the judgment r by virtue of such execution, in the same manner sum directed herein to be made. For drawing and ting a sheriff's deed, to include the acknowledgment, paid by the grantee before delivery, two dollars and ents; for executing a certificate of sale, exclusive of and recording the same, one dollar; for summoning l jury of twelve persons or less, three dollars; for all ss in justices' courts, the same fees as are allowed ables for like services; for conveying a prisoner, when r arrest, the necessary expenses incurred in transpor- . He shall also be allowed to retain for his own use mount allowed by the state for the conveyance of ers to the state prison, and conveyance of persons s insane asylum. He shall also be allowed for the ling of prisoners a sum not to exceed twenty-five per meal, and not to exceed fifty cents per day.

FEES OF COUNTY CLERK.

the commencement of each suit the clerk shall be ed to demand and receive from the plaintiff, in ad- s to the judge's docket fee, as prescribed by law, not eed the sum of ten dollars, to cover costs to time of ment, and from the defendant, three dollars, to cover for the same time. If, in the progress of the action, um allowed the clerk should be insufficient, he shall titled to demand from either party such further sums

as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the clerk to the party who advanced them, on demand. The clerk of the superior court shall receive, for entering each suit on the clerk's register of actions, and for making the necessary entries therein during the progress of the suit, and of the trial, and of the subsequent proceedings, for the first folio fifty cents, for each subsequent folio twenty-five cents; for issuing every writ of process under seal, fifty cents, except the writ of habeas corpus; for issuing each subpœna for one or more witnesses, fifty cents; for filing each paper, twenty-five cents; for entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents; for calling and swearing every jury on voir dire, fifty cents; for calling and swearing every jury to try causes, fifty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio one dollar, for each subsequent folio twenty-five cents; for making up and filing judgment roll, fifty cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, fifty cents; for administering every oath or affirmation, twenty-five cents, for certifying the same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, twenty cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, one dollar; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty-five cents; for issuing every execution or other final process, under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, twenty-five cents; for receiving and filing every remittitur from supreme court and accompanying papers, one dollar; for taking and approving each undertaking or bond, fifty cents; for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, twenty-five cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal, for the

persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with cost, by any person, before any justice of the peace of the same county.

EXECUTION FOR FEES.

If any clerk, sheriff, justice of the peace, or constable shall not receive any fees due to him, for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the court in which the action is pending.

COST OF PUBLICATION WHEN PAID.

When, by law, any publication is required to be made, by an officer, of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication

FOLIO DEFINED.

The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any fraction of a folio, when in the whole draft or paper there will not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

When any sheriff, constable, or coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

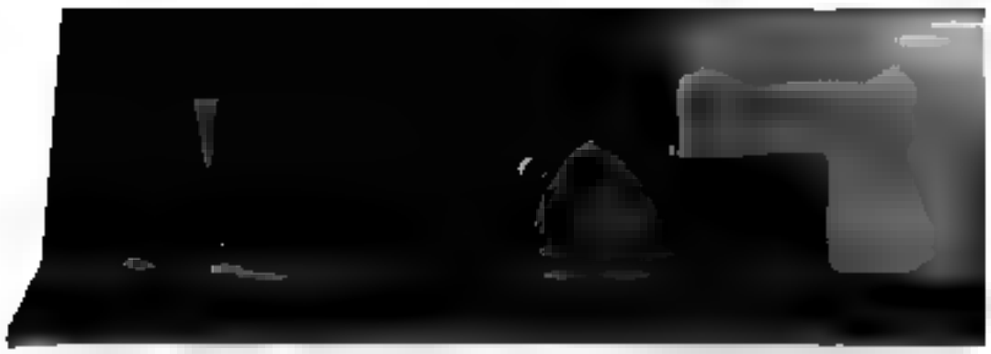
RECEIPTS.

Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out in writing and deliver to such person a part cular account of such fees, specifying for what they respectively accrued and shall receipt the same; and if he refuses or neglects to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

shall be expended, by and under the direction of the judge or judges of the superior court of such county, for said purpose. No fees shall be charged by county clerks for affidavits or certificates for or in behalf of the United States pension applicants; for all services in the estates and guardianship of minor heirs, the same fees as are allowed in the estates of deceased persons. The provisions of this act respecting the fees of county clerk shall take effect immediately.

FEES OF RECORDER.

For recording every instrument, paper, or notice, for each folio, twenty cents; for indexing every instrument, paper, or notice, twenty-five cents for each name indexed; for copies of any record or paper, per folio, twenty cents; for filing every instrument for record, and making the necessary entries thereon, twenty cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing same, fifty cents; for searching records or files in his office, for each year, when required, fifty cents; for abstracts of title, for each conveyance or encumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, fifty cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars; for taking acknowledgment, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording transcript and for all other services in estray cases, one dollar; for recording each mark or brand, seventy-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, fifty cents; for recording mining claims and water rights, the same as are allowed for recording any other instrument; for all other services not herein enumerated, the same fees as are allowed the clerk of the superior court for like services. The provisions of this act respecting the fees of county recorder shall take effect immediately.



COUNTY GOVERNMENT.

FEES OF CORONER.

general services in holding an inquest, ten dollars; witness subpœnaed, twenty-five cents; for each necessarily traveled in going to the place of the in- twenty-five cents; for directing or attending the ent of each body upon which an inquest has been wo dollars; which fees shall be all that he shall be l to charge. When acting as or in the place of the the same fees as are allowed the sheriff for like ser-

FEES OF JUSTICES OF THE PEACE.

entering every cause upon his docket, fifty cents; for ach paper in the suit, twenty-five cents; for issuing it or process by which the suit is commenced, fifty for issuing subpœna, for each person, twenty-five for administering an oath or affirmation, twenty-five for each certificate, twenty-five cents; for issuing attachment or arrest, or for the delivery of property, bar; for taking or approving any bond or undertak- ized by law to be taken or approved by him, fifty for taking justification to a bond, fifty cents; for g a jury, fifty cents; for issuing an execution, one for taking depositions, per folio, twenty cents; for search-warrants, fifty cents; for affidavit for search- t, including entry on his docket, when there is no r further action, one dollar; for entry of cause with- ess, one dollar; for entering every motion, rule, or- eption, or default, twenty-five cents; for entering any dgment, for the first folio, one dollar; for every ad- l folio, twenty cents; for entering judgment by con- , and only on affidavit, as required in the superior hree dollars; for entering satisfaction of a judgment, nts; for issuing commission to take testimony, fifty for transcript of a judgment, order, docket, or paper office, for each folio, twenty cents, for making up ansmitting transcript and papers on appeal, one dol- , fifty cents; for taking acknowledgment of any in- nt, for the first name fifty cents, and for every nal name twenty-five cents; for celebrating a mar- nd returning a certificate thereof to the county re- five dollars; for all services and proceedings before

a justice of the peace, in a criminal action or proceeding, whether on examination or trial, three dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the county clerk of the papers of the case), for each folio, twenty cents; for taking bail after commitment in criminal cases, one dollar; for all services connected with the posting of the estrays, including transcript to the recorder, two dollars; for all services appertaining to the coroner's office, the justice of the peace who shall act when the coroner shall be absent or unable to attend shall receive the same fees as are allowed the coroner for similar services. When the venue shall be changed the justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive, in addition to such fees as have accrued in the case, the sum of one dollar, all of which fees must be paid before the justice shall be required to transmit the papers, and the justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. In cases of appeal, all fees of the justice, including those on trial and those on appeal, must be paid before the justice shall be required to forward the papers to the county clerk.

FEES OF CONSTABLES.

For serving summons in civil cases, for each defendant, fifty cents; for summoning a jury before a justice of the peace, two dollars and mileage; for making sales of estrays, the same fees as for sales on execution; for all other services, the same fees as are allowed to sheriffs for similar services. In all criminal cases For making every arrest, two dollars and mileage; for summoning a jury of twelve persons or less, two dollars and mileage; for serving a subpœna, fifty cents for each person so served; for every mile necessarily traveled in executing any warrant of arrest, serving subpœna, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any court (*provided*, that when, in the same action, any two or more persons are served at the same time, or in the same direction, but one mileage shall be charged to the

14. Constables, such fees as are now or may be hereafter allowed by law.

15 Each member of the board of supervisors shall receive, for all services required of him by law, or by virtue of his office, the sum of six hundred dollars per annum, and ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

SEC 181. *Nineteenth class* In counties of the nineteenth class the county officers shall receive as compensation for all services required of them by law or by virtue of their office, the following salaries, to wit: —

1 The county clerk, two thousand five hundred dollars per annum

2. The sheriff, five thousand dollars per annum.

3. The recorder, fifteen hundred dollars per annum.

4. The auditor five hundred dollars per annum.

5. The treasurer two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7 The assessor, three thousand two hundred dollars per annum

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum; *provided*, the superintendent shall not be permitted to, nor shall he teach any school, but shall devote his entire attention to the duties of his office.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day employed in the discharge of the duties of their office, to-

JUDGES AND CLERKS OF ELECTION.

The judges and clerks of election shall be allowed such compensation as the board of supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed; which shall be full compensation for all services required by law to be performed.

NO OTHER FEES ALLOWED.

The officers above named shall receive no other fees, for any services performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this subdivision, the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides cost of suit, and may be indicted, and, if found guilty, shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

FEES — WHEN PAID.

The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the judge of the superior court, setting forth that he has a good cause of action or defense, and that he is unable to pay the fees in advance, the judge of the superior court may, in his discretion, make an order that the officer perform such service without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the judge of the superior court.

TABLE OF FEES.

Every officer herein specified shall prepare and set up in his office a plain table of fees, as prescribed in this act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all

persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with cost, by any person, before any justice of the peace of the same county.

EXECUTION FOR FEES.

If any clerk, sheriff, justice of the peace, or constable shall not receive any fees due to him, for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the court in which the action is pending.

COST OF PUBLICATION — WHEN PAID.

When, by law, any publication is required to be made, by an officer, of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

FOLIO DEFINED.

The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

When any sheriff, constable, or coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

RECEIPTS.

Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out in writing and deliver to such person a particular account of such fees, specifying for what they respectively accrued and shall receipt the same; and if he refuses or neglects to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

OATH OF OFFICE

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

TO COMPLETE BUSINESS.

It shall be the duty of all officers in this section named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case an officer, at the close of his term, shall leave to his successor official labor to be performed for which he has received compensation, or which it was his duty to perform, he shall be liable to pay his successor the full value of such service, which may be recovered in any court of competent jurisdiction.

NO OTHER COMPENSATION

None of the officers mentioned in this act shall receive any other compensation whatever for any service that is now or may be hereafter required of them in the discharge of their respective offices.

FEE BOOK.

It shall be the duty of every officer in this act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account, in detail, of all fees, commissions, or compensations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with date, the name of the payer, if paid, and the nature of the service in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the clerk of the board of supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion.

PENALTY FOR NEGLECT.

If any officer named in this section shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence or removal from office, if in the office at the time of sentence.

SEC. 179. *Seventeenth class.* In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum.
3. The recorder, two thousand four hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand five hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, sixteen hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five hundred dollars per annum, and ten cents per mile mileage in traveling to and from their respective residences to the county seat.
16. All persons residing in the counties of the seventeenth class, attending as witnesses before the superior

first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk two thousand five hundred dollars per annum. The county clerk shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: Upon the commencement of any action or proceeding, except probate and insolvency proceedings, criminal actions, and cases where the county is plaintiff or petitioner, the clerk shall collect from the party instituting the suit the sum of five dollars, which sum shall be in full for all services to and including entry and docketing of judgment, except for certified copies of papers, and per diem; for issuing execution or other final process, fifty cents; for each day's attendance on the court when engaged in the trial of a cause (one half to be paid by each party, and taxed as costs), three dollars; *provided*, that where more than one cause is tried on the same day, or less than one day consumed in the trial of any cause, the court may apportion the amount to be paid; for copies of any record, proceeding, or paper, ten cents per folio; for comparing copies of any record, proceeding, paper, or transcript, where not prepared by clerk, for each folio, two cents; for each certificate, fifty cents; for taking justification of surety on bond or undertaking, twenty-five cents per name; for each affidavit, fifty cents; *provided*, that no fee shall be charged for affidavit or certificate to claim for United States pension, nor to claim against the county, nor for administering oath of office; for all services performed in any cause transferred from another court, or in any cause appealed from justices' court, the same fees as in an action commenced in the superior court; for taking depositions, twenty cents per folio; for taking acknowledgments, fifty cents per name; for filing and docketing transcript of judgment, one dollar; for satisfying or releasing judgment, fifty cents; for filing articles of incorporation, one dollar; for indexing articles of incorporation, fifteen cents per name; for filing and indexing certificate of copartnership, one dollar; for issuing marriage license, two dollars; for searching records or files, except for litigants or attorneys, for each year, fifty cents; for

4. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors shall receive, for all services required of him by law, or by virtue of his office, the sum of six hundred dollars per annum, and ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

SEC. 181. *Nineteenth class.* In counties of the nineteenth class, the county officers shall receive as compensation for all services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.
2. The sheriff, five thousand dollars per annum.
3. The recorder, fifteen hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, three thousand two hundred dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, sixteen hundred dollars per annum; *provided*, the superintendent shall not be permitted to, nor shall he teach any school, but shall devote his entire attention to the duties of his office.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day for each day employed in the discharge of the duties of their office, to-

gether with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat at each session of the board; *provided*, that when the duties of the office of treasurer and tax collector are consolidated, as provided in section fifty-seven of this act, that the full compensation of said office of treasurer and tax collector for such consolidated duties shall be two thousand five hundred dollars per annum; *provided, however*, that there shall be and there hereby is allowed to the county clerk one deputy county clerk, at a salary of five hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the county recorder one deputy county recorder, at a salary of five hundred dollars per annum. Said deputy county clerk and deputy county recorder shall be appointed by the board of supervisors, and their salaries shall be paid in equal monthly installments out of the same fund and in the same manner as other county officials are paid.

SEC. 132. *Twentieth class.* In counties of the twentieth class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, or as ex officio officers, the following salaries, to wit: —

1. County clerk, four thousand dollars per annum. The county clerk and ex officio clerk of the superior court shall collect and pay in to the county treasurer, for the use and benefit of the county, the following fees, to wit: For services performed by him on the commencement of an action or proceeding, including the filing and indexing of all papers to and including the rendition, entry, and docketing of judgment, five dollars ($5); for issuing each execution or final process, fifty cents (50); for each day engaged in a jury trial, two dollars and fifty cents ($2.50); for filing, indexing, and entering papers on transfer of papers from other courts, up to and including the rendition, entry, and docketing of judgment, three dollars ($3); for administering and certifying oaths or other papers, except oaths administered during the trial to jury and witnesses, and to claimants to bills against counties, fifty cents (50); for taking and certifying depositions, per folio, ten cents (10); for taking acknowledgments, one dollar

and for each name above one, fifty cents (50); for fees performed in cases appealed from justices' courts, to and including the rendition, entry, and docketing judgment, three dollars ($3); for filing, docketing, and issuing execution on transcript of judgment from other courts, one dollar ($1); for filing execution on returns and satisfying judgment, fifty cents (50); for copies of all papers, exclusive of certificate, per folio, ten cents (10); for filing and indexing articles of incorporation, two dollars ($2); for filing and indexing certificates of copartnership, one dollar ($1); for issuing marriage license, two dollars ($2); for filing any paper other than herein provided for, ten cents (10); for comparing copies of papers or transcripts when not prepared by clerk, per folio, two cents (2); for filing the papers and issuing letters of administration, or guardianship, or special administration in any case, two dollars ($2); for services up to and including the final settlement of the case, in which the value of the estate does not exceed one thousand dollars ($1,000), no further fees shall be charged; where the value of the estate does not exceed one thousand five hundred dollars ($1,500), an additional three dollars ($3); where the value of the estate does not exceed three thousand dollars ($3,000), five dollars ($5); and for each additional one thousand dollars ($1,000) in value above three thousand dollars ($3,000), and not exceeding ten thousand dollars ($10,000), one dollar ($1); and for each one thousand dollars ($1,000) in value of all estates of ten thousand dollars ($10,000) as shown by the inventory, to be collected by the clerk upon the filing of the inventory, two dollars ($2) for each one thousand dollars ($1,000).

2. Sheriff, five thousand five hundred ($5,500) dollars per annum. The sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each person, fifty cents (50); for levying an attachment on property, or levying an execution or order for the delivery of personal property, fifty cents (50); for the trouble and expense of taking and keeping possession of and preserving and moving property un-

der attachment, execution, or other process, such sum as the court may order; *provided*, that no more than two dollars and fifty cents ($2 50) per diem shall be allowed to a keeper; for serving any notice, rule, or order, fifty cents (50); for advertising property for sale on execution or other process, the cost paid by him for publication; for serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, one dollar ($1); for serving a subpœna, on each witness, fifteen cents (15); for traveling to serve any paper, for each mile necessarily traveled, in going only, to place of service, per mile, twenty cents (20); *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged, to the most distant point to complete such service; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars ($1,000), one per cent, and all above that sum, one half per cent; for drawing and executing a sheriff's deed, to include the acknowledgment, two dollars ($2); for executing a certificate of sale, exclusive of the filing and recording, fifty cents (50).

3. Recorder, two thousand five hundred dollars ($2,500) per annum. The recorder shall collect and pay in to the county treasurer, for the use and benefit of the county, the following fees, to wit: For recording any document, for each folio, eight cents (8); for copies of any document, for each folio, eight cents (8); for indexing every document, per name, five cents (5); for any certificate under seal, fifty cents (50); for every entry of satisfaction of mortgage on the margin of the record, twenty-five cents (25); for searching records and files of his office, for each year, five dollars ($5); for taking and certifying acknowledgments, one dollar ($1) for first name, and for each additional name, fifty cents (50); for filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents (25); for recording each mark or brand, fifty cents (50), for administering and certifying oaths, each, fifty cents (50); for recording marriage license, nothing.

4. Auditor, one thousand eight hundred dollars ($1,800) per annum, and one clerk at a monthly salary of not exceeding fifty dollars ($50).

ke down the testimony and proceedings in threatened
nses, and at the preliminary examination of parties
rged with offenses triable in the superior court, must
esent their claims for such services to the board of
pervisors; and no justice of the peace or magistrate
all have the authority to draw an order upon the county
ditor for a warrant for such services. Such reporter
all be entitled to compensation as follows. For each
y's service in taking down testimony and proceedings,
n dollars; for each folio of transcribed testimony and
oceedings, twenty cents.

17. This section shall take effect immediately, except
ch provisions as affect the salaries of the present incum-
nts.

SEC. 194. *Twenty-second class.* In counties of the
enty-second class the county and township officers shall
ceive, as compensation for the services required of them
y law or by virtue of their office, the following fees and
laries, to wit: —

1. The county clerk, three thousand seven hundred and
fty dollars per annum.

2. The sheriff, seven thousand dollars per annum.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand seven hundred and fifty dollars per annum.

9. The coroner, the fees that are now or may hereafter be allowed by law.

10. The public administrator, the same fees as are allowed executors for similar services.

11. The superintendent of schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in discharge of his official duties, to be audited and allowed periodically by the board of supervisors, not exceeding three hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

for advertising property for sale under execution or other process, the cost of publication; for serving a writ of possession or restitution, two dollars; for serving subpœna, for each witness, twenty-five cents; for traveling to serve any paper, for each mile necessarily traveled, in going only, to the place of service, twenty cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all above that sum, one half of one per cent; for all copies, ten cents per folio; for comparing copies not prepared by sheriff, for each folio, two cents; for drawing and executing a sheriff's deed, to include the acknowledgment, two dollars and fifty cents; for executing a certificate of sale, exclusive of filing and recording, one dollar.

In addition to the salary hereinabove provided, the sheriff shall collect and retain, as compensation for his own use, as follows: For expense in taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the court shall order; *provided*, that not more than two dollars per day shall be allowed for a keeper's fee; for serving any warrant of arrest, two dollars; for every mile necessarily traveled, in going only, in executing any warrant of arrest, twenty cents per mile; for taking prisoner before magistrate or to jail, the actual cost of transportation; *provided*, that all fees in criminal cases shall be a county charge, and presented to the board of supervisors for their allowance, and paid upon their order.

3. The recorder, two thousand eight hundred dollars per annum. The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: For recording every instrument, paper, notice, or document, fifteen cents per folio; for indexing, ten cents per name; for copy of any record or document, fifteen cents per folio; for each certificate under seal, fifty cents; for satisfying mortgage on margin of record, twenty-five cents; for searching records and files in

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum; *provided*, the superintendent of schools may, with the consent of the board of supervisors, employ a deputy for such time as said board shall deem necessary, to enable the superintendent to visit the schools of his county, as provided for by law. Said deputy shall receive from the county a salary, to be fixed by said board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. The supervisors, each, the sum of six dollars per day, for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 186. *Twenty-fourth class.* In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them, or by virtue of their office, the following salaries, to wit —

1. The county clerk, three thousand dollars per annum; *provided*, that such clerk shall collect in advance, and pay into the county treasury for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding except probate proceedings, including the filing of all papers, the issuance of all writs, and approval of all bonds, to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents; for entry of judgments by default or dismissal, two dollars and fifty cents; for trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed

on appeal, one dollar; for all services in posting estrays, one dollar. In cases where the venue shall be changed, the justice to whom the cause is transferred shall be entitled to charge and receive the sum of three dollars, to be paid by the moving party. In services pertaining to the coroner's office, the same fees as the coroner; for celebrating marriage and returning certificate thereof to the recorder, five dollars; for service in any criminal case, whether on examination or trial, each case, three dollars; *provided*, that no justice of the peace shall receive more than one hundred and twenty-five dollars in any one month for service in criminal cases, and the affidavit to his claim against the county shall so state.

14. Constables shall be allowed to charge and collect, for their own use, fees as follows: For summoning a jury of twelve or less, one dollar; for each additional juryman, ten cents; for making sales of estrays, the same fees as for sales on execution; for traveling to serve any warrant of arrest, summons, notice, rule, order, or subpœna, for each mile necessarily traveled, in going and returning, fifteen cents per mile; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged, to the most distant point to complete such service and return; for taking prisoner before a magistrate or to jail, the actual cost of transportation; *provided*, that in no case shall a constable, together with his deputies, receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; *and provided further*, that no constable shall receive, together with his deputies, for services in criminal cases for any one month, an amount in excess of the sum of one hundred and twenty-five dollars, and his claim against the county shall so state; for all other services, the same fees as are allowed the sheriff for like services.

15. Supervisors, five hundred dollars each per annum, and twenty cents per mile for each mile necessarily traveled, in going only, from his residence to the county seat, and the additional sum of one hundred dollars each per annum for their services as road commissioners.

16. All shorthand reporters appointed by magistrate to

take down the testimony and proceedings in threatened offenses, and at the preliminary examination of parties charged with offenses triable in the superior court, must present their claims for such services to the board of supervisors; and no justice of the peace or magistrate shall have the authority to draw an order upon the county auditor for a warrant for such services. Such reporter shall be entitled to compensation as follows: For each day's service in taking down testimony and proceedings, ten dollars; for each folio of transcribed testimony and proceedings, twenty cents.

17. This section shall take effect immediately, except such provisions as affect the salaries of the present incumbents.

SEC. 184. *Twenty-second class.* In counties of the twenty-second class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following fees and salaries, to wit: —

1. The county clerk, three thousand seven hundred and fifty dollars per annum.
2. The sheriff, seven thousand dollars per annum.
3. The recorder, three thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, five thousand five hundred dollars per annum.
8. The district attorney, two thousand seven hundred and fifty dollars per annum.
9. The coroner, the fees that are now or may hereafter be allowed by law.
10. The public administrator, the same fees as are allowed executors for similar services.
11. The superintendent of schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in discharge of his official duties, to be audited and allowed periodically by the board of supervisors, not exceeding three hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now allowed by law, except that for all services and proceedings before a justice of the peace in a criminal action or proceeding, whether on examination or trial, three dollars per day, and ten cents per folio for writing down testimony when required by law.

14. Constable's fees allowed by the general fee bill of eighteen hundred and seventy; *provided*, that the amount allowed by the board of supervisors for services in criminal actions and proceedings other than felonies shall not exceed seventy-five dollars for any one quarter.

15. Supervisors, each, the sum of six hundred dollars per annum, and twenty cents a mile for each mile of travel to and from their residence and the court-house.

16. The officers named in section one hundred and eighty-four of this act, except three supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of supervisors.

17. The provisions of subdivision fourteen of this section shall apply to present incumbents.

SEC. 185. *Twenty-third class.* In counties of the twenty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum; *provided*, the superintendent of schools may, with the consent of the board of supervisors, employ a deputy for such time as said board shall deem necessary, to enable the superintendent to visit the schools of his county, as provided for by law. Said deputy shall receive from the county a salary, to be fixed by said board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. The supervisors, each, the sum of six dollars per day, for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 186. *Twenty-fourth class.* In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum; *provided*, that such clerk shall collect in advance, and pay into the county treasury for the use and benefit of the county, the following prescribed fees, to wit. For services performed by him on the commencement of an action or proceeding except probate proceedings, including the filing of all papers, the issuance of all writs, and approval of all bonds, to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents; for entry of judgments by default or dismissal, two dollars and fifty cents; for trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed

ten folios, five dollars; for recording each folio in excess of ten folios, ten cents; for filing and entering papers on transfer of cause from other courts, including indexing, as provided by this act, two dollars and fifty cents; for transmission of files, on transfer of causes to other courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents; for issuing commissions to take testimony, and each certificate under seal, fifty cents; for taking and certifying depositions, twenty cents per folio; for taking acknowledgments, first name, fifty cents; for each additional name, twenty-five cents, for taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, ten cents a folio; for searching files of each year, except for suitors or their attorneys, one dollar; for services performed in cause appealed from justice's court, before trial, two dollars; for receiving and filing every remittitur and accompanying papers from supreme court, fifty cents; for filing transcript of judgment of justice's court, for docketing cause and issuing execution thereon, two dollars; for satisfying judgment, when entry is made on margin of judgment book by attorney or judgment creditor, or upon return of sheriff, twenty-five cents; for copies of papers, records, or files of his office, fifteen cents per folio, exclusive of charges for certifying; for filing and indexing articles of incorporation, two dollars; for exemplifying articles of incorporation under the act of Congress, two dollars; for filing certificate of election of officers of incorporations, twenty-five cents; for recording certificate of incorporation, ten cents per folio; for recording medical and dental certificates, one dollar; for filing and indexing certificates of copartnership, fifty cents; for issuing marriage licenses, two dollars, one dollar of which he shall pay to county recorder for recording same; for filing any bond, except official bond, or other instrument required by law to be filed in his office, fifteen cents, and when recording the same, when required by law, ten cents per folio; for certificates to dismiss appeal, when prepared by the clerk, two dollars and fifty cents; and when provided or furnished by attorney or party, fifty cents; for comparing copies of papers

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, three hundred dollars per annum as supervisors, and three hundred dollars per annum as road commissioners.

Oath of office. No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

SEC. 188. *Twenty-sixth class.* In counties of the twenty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, one thousand six hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, sixteen hundred and fifty dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law

15 Supervisors, five dollars per day during the session of the board, and not to exceed in the aggregate four

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace shall receive such fees as are now or hereafter may be allowed by law.

14. Constables shall receive such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars each per annum, and mileage at the rate of twenty cents per mile, in going to and from the place of meeting of the board; *provided*, that not more than four mileages in any one month shall be allowed.

16. The provisions of this section, so far as it relates to fees, shall take effect and be in force from and after the passage of this act.

SEC. 187. *Twenty-fifth class.* In counties of the twenty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand two hundred and fifty dollars per annum.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed.

3. The recorder, three thousand two hundred and fifty dollars per annum.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars per annum.

7. The assessor, three thousand two hundred and fifty dollars per annum.

8. The district attorney, twenty-five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, three hundred dollars per annum as supervisors, and three hundred dollars per annum as road commissioners.

Oath of office. No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

SEC. 188. *Twenty-sixth class.* In counties of the twenty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of office, the following salaries, to wit: —

1. The county clerk, two thousand five hundred dollars per annum.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, one thousand six hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, sixteen hundred and fifty dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day during the session of the board, and not to exceed in the aggregate four

hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat; *provided*, that mileage shall be allowed only once for each session.

SEC. 189. *Twenty-seventh class.* In counties of the twenty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand five hundred dollars per annum.
2. The sheriff, five thousand dollars per annum.
3. The recorder, two thousand five hundred dollars per annum.
4. The auditor, one thousand five hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand five hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, sixteen hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, each, the sum of five hundred dollars per annum, together with mileage at the rate of thirty cents per mile at each regular session of the board, for each mile traveled, in going only.

SEC. 190. *Twenty-eighth class.* In counties of the twenty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand four hundred dollars

per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the county treasury.

2. The sheriff, six thousand dollars per annum.

3. The recorder, eighteen hundred dollars per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the county treasury.

4. The auditor, six hundred dollars per annum.

5. The tax collector, one thousand dollars per annum.

6. The treasurer, fifteen hundred dollars per annum.

7. The assessor, two thousand four hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and his reasonable traveling expenses, incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

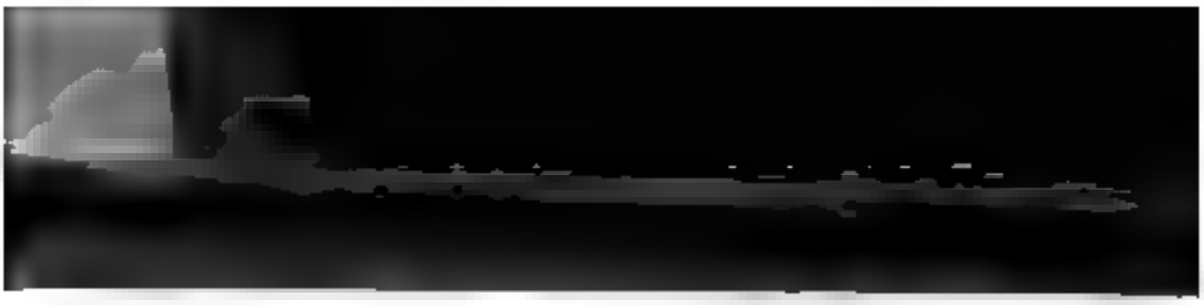
12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile, from his home to and from the county seat, for the four regular quarterly meetings only, during each year.

16. Every person subpœnaed as a witness in a criminal case before the superior court shall, subject to the discretion of the judge thereof, be entitled to the same per diem and mileage as jurors in like case; *provided*, that such per diem to witnesses only be allowed for actual days' attendance.



SEC. 191. *Twenty-ninth class.* In counties of the twenty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. County clerk, eighteen hundred dollars per annum.

2. Sheriff, four thousand dollars per annum. The under sheriff, one thousand five hundred dollars per annum. The sheriff shall also receive, for his own use and benefit, the mileage, fees, and commissions for the service of all papers whatsoever issued by any court of the state outside of his county.

3. The county recorder, two thousand six hundred dollars per annum.

4. The county auditor, twelve hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, one thousand two hundred dollars per annum, and such number of deputies as the board of supervisors may allow, to be paid, not exceeding five ($5) dollars per day, from the general fund of the county, on the order of the board of supervisors, for every day while actually engaged.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now allowed or may hereafter be allowed by law.

10. The public administrator, such fees as are now allowed or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and necessary expenses for traveling, in visiting various schools in the county, to be allowed by the supervisors of the county.

12. The surveyor, such fees as are now allowed or may hereafter be allowed by law.

13. Constables, such fees as are now allowed or may hereafter be allowed by law.

14. Justices of the peace, such fees as are now allowed or may hereafter be allowed by law.

15. Supervisors, five hundred dollars per annum, and

age, two dollars; for serving a subpœna, for each witness summoned, fifty cents; for traveling, to be computed in all cases from the court house, to serve any summons and complaint, or any other process of any kind, or to post notice of sale, or in executing any writ of any kind (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, fifteen cents, for commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent; for commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one fourth of one per cent on all over that sum, the fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of said execution, in the same manner as the sum herein directed to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, two dollars; for executing a certificate of sale, exclusive of the filing and the recording of the same, one dollar; for all civil services in justices' courts, the same fees as are allowed to constables for like services; for conveying a prisoner when under arrest, the necessary expenses of transportation

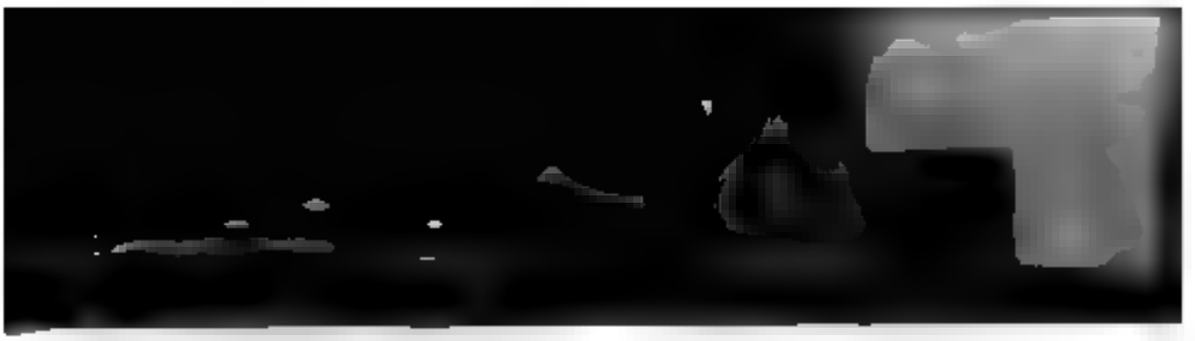
FEES OF COUNTY RECORDER.

For recording every instrument, paper, or notice, for each folio, ten cents; for indexing every instrument, paper, or notice, ten cents for each name indexed; for copies of any record or paper, per folio, ten cents, for filing every instrument for record, and making the necessary entries thereon, ten cents; for each certificate under seal, twenty-five cents; for every discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing the same, and indexing the same, fifty cents; for searching records or files in his office, for each year,

deed or other instrument, to include all writing and the seal, for the first name, fifty cents; for each name additional, twenty-five cents; for indexing every suit in the register of actions or probate register, twenty-five cents; for filing, indexing, and entering papers on transfer of cases from other courts, one dollar; for transmission of files or transfer of cases to other courts, including certificates of order of transfer, one dollar; for issuing letters testamentary, or of administration, or of guardianship, twenty-five cents; for each notice of publication, exclusive of the cost of publication, twenty-five cents; for posting every notice, twenty-five cents; for recording wills or other papers required by law to be recorded, for each folio, ten cents; *provided*, that if upon the filing of the appraisement of any estate it appear that the whole estate is not of the value of one thousand dollars, no further clerk fees shall be charged; for pension and original naturalization papers, no charge; for certificate of admission to practice in the superior court, two dollars and fifty cents.

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar and fifty cents; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sums as the court shall order; *provided*, that no more than three dollars per diem shall be allowed for a keeper; for taking bond or undertaking in any case in which he is authorized to take the same, twenty-five cents; for copy of any writ, process, or any other paper, when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, one dollar; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of property, to include all service in the matter, except mile-



age, two dollars; for serving a subpœna, for each witness summoned, fifty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process of any kind, or to post notice of sale, or in executing any writ of any kind (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, fifteen cents; for commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent; for commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one fourth of one per cent on all over that sum: the fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of said execution, in the same manner as the sum herein directed to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, two dollars; for executing a certificate of sale, exclusive of the filing and the recording of the same, one dollar; for all civil services in justices' courts, the same fees as are allowed to constables for like services; for conveying a prisoner when under arrest, the necessary expenses of transportation

FEES OF COUNTY RECORDER.

For recording every instrument, paper, or notice, for each folio, ten cents; for indexing every instrument, paper, or notice, ten cents for each name indexed; for copies of any record or paper, per folio, ten cents; for filing every instrument for record, and making the necessary entries thereon, ten cents; for each certificate under seal, twenty-five cents; for every discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing the same, and indexing the same, fifty cents; for searching records or files in his office, for each year,

when required, fifty cents; for abstract of title, for each conveyance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, fifty cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; each additional signature, twenty-five cents; for recording marriage licenses and certificates, to be paid by the clerk, one dollar; for recording transcripts, and for all other services in estray cases, one dollar; for each mark and brand, and for indexing, fifty cents; for administering oath or affirmation, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for recording mining claims and water rights, the same as are allowed for recording other instruments.

SEC. 192. *Thirtieth class.* In counties of the thirtieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, four thousand two hundred and fifty dollars per annum.
3. The recorder, fifteen hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, eighteen hundred dollars per annum; *provided*, said assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the county treasury upon an order of the board of supervisors; *provided*, that pay for such deputy shall not be allowed for more than one hundred and twenty-five days in any one year.
8. The district attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his actual necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.
9. The coroner, such fees as now are or may hereafter be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge; *provided*, that if the board of supervisors shall, by ordinance, provide that the superintendent of schools shall not engage in teaching school during his term of office, and devote his entire time to the duties of his office, then such superintendent shall receive the sum of twelve hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law, and such sum as the supervisors may deem just for services rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed therefor in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, four hundred dollars each per annum, and mileage at the rate of ten cents per mile to and from their respective residences to the county seat; *provided*, that but one mileage, at any one meeting of the board, shall be allowed; *provided*, that when a member is absent, unless in case of sickness, during the whole of a regular or special meeting of the board of supervisors, or board of equalization, or canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held; *and provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of either of said boards, the sum of twelve and fifty one-hundredths dollars shall be deducted from his salary for the month during which such regular or special meeting may be held, for each day's absence. The auditor, before drawing his warrant for the salary of supervisors, shall ascertain from the minutes of

the board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided.

The provision hereof respecting the deputy for the county assessor, and expenses of superintendent of schools and supervisors, shall take effect immediately. The provisions of this section in relation to increase of salaries for the district attorney and of the superintendent of schools, so far as affected by the proviso of subdivision eleven of this section, shall take effect and be in force on and after the first Monday after the first day of January, eighteen hundred and ninety-one.

16. The following fees are allowed to the officers hereinafter named, for the performance of services required of them by law, as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF COUNTY CLERK AND EX OFFICIO CLERK OF THE SUPERIOR COURT.

The county clerk and ex officio clerk of the superior court shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, excepting the issuance of writs and approval of bonds, to the rendition of judgment, in the aggregate, five dollars; for indexing each name of parties to an action, ten cents; for each writ issued, fifty cents; for approving bond, fifty cents; for entry of judgments by default, two dollars and fifty cents; for the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed five folios, two dollars and fifty cents; *provided*, trial is conducted in one day; and for each additional day, two dollars and fifty cents; for recording each folio in excess of ten folios, twenty-five cents; for filing and entering papers on transfer of cases from

other courts, including indexing, as provided by this act, five dollars; for transmission of files, on transfer of causes to other courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, and to claimants to bills against counties, fifty cents; for issuing commissions to take testimony, fifty cents; for taking and certifying depositions, twenty cents per folio; for taking acknowledgments, one dollar; for taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, twenty cents a folio; for searching files of each year, except for suitors or their attorneys, one dollar; for services performed in cases appealed from justice's court before trial, two dollars; for filing transcript of judgment of justice's court, for docketing cause, and issuing execution thereon, two dollars; for satisfying judgment, when entry is made on margin of judgment book by attorney or judgment creditor, or upon return of sheriff, fifty cents; for copies of papers, records, or files of his office, twenty cents per folio, exclusive of charges for certifying; for filing and indexing articles of incorporation, five dollars; for exemplifying copy of articles of incorporation under the act of congress, five dollars; for filing certificate of election of officers of incorporations, fifty cents; for recording certificate of incorporation, twenty cents per folio; for filing and indexing certificates of copartnership, fifty cents; for issuing marriage license, two dollars; for filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, twenty cents per folio; for certificate to dismiss appeal, when prepared by the clerk, two dollars and fifty cents, and when prepared or furnished by attorney or party, one dollar; for comparing copies of papers or transcripts, five cents per folio; for filing the papers and issuing letters testamentary or of administration, guardianship, or special administration, in any case, two dollars; for services up to and including the final settlement of the case in which the value of the estate does not exceed one thousand dollars, no fees whatever shall be charged; where the value of the estate does not exceed fifteen hundred dollars, three dollars; where the value of the estate does not exceed three

thousand dollars, five dollars, and two dollars and fifty cents for each additional one thousand dollars in value, as shown by the inventory; for administering and certifying oaths in all estates, except oaths administered in open court, twenty-five cents; for recording any order or paper in an estate where the number of folios exceeds ten, for each folio exceeding ten, twenty cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the clerk upon the filing of such inventory, except such as accrue after the filing of such inventory. For all other services not herein enumerated, the same fees as are now or may hereafter be allowed by law.

FEES OF SHERIFF.

The sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar and twenty-five cents; for the trouble and expense of taking and keeping possession of and preserving property under attachment, or execution, or other process, as the court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents; for comparing copies of papers, five cents per folio; for serving every notice, rule, or order, one dollar; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars; for serving a subpœna, for each witness subpœnaed, thirty cents; for traveling, to be computed in all cases from the court-house,

to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty-five cents; for commissions for receiving and paying over money on executions or other process, on the first one thousand dollars, one and one half per cent; on all sums above that amount, one per cent. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

FEES OF RECORDER.

The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instruments, paper, or notice, for each folio, twenty cents; for copies of any record or paper, per folio, twenty cents; for filing or receiving every instrument for record, and making the necessary entries thereon, twenty cents; for making, in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents for each name indexed; for any certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, fifty cents; for

searching records or files, for each year, in his office, twenty-five cents; for certificate of abstract to title, when required, for each conveyance or encumbrance certified, fifty cents; for recording any town plat, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking and writing acknowledgments, including seal, for the first signature, one dollar and fifty cents; for each additional name, fifty cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for recording each mark or brand, fifty cents; for administering and certifying on oath or affirmation, fifty cents; for recording marriage license and certificate, fifty cents; for all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

Sec. 193. *Thirty-first class.* In counties of the thirty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk shall receive as compensation twenty-five hundred dollars per annum.

FEES OF COUNTY CLERK.

At the commencement of each suit, the clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant two dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the clerk to the party who advanced them, on demand. The clerk of the superior court shall receive, for entering each suit on the clerk's register of actions, and for making the necessary entries thereon during the progress of the suit, and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents; for issuing every

writ of process under seal, fifty cents, except the writ of habeas corpus; for issuing each subpœna for one or more witnesses, twenty-five cents; for filing each paper, fifteen cents; for entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for entering every cause on the calendar, making a copy thereof for the bar, for each term of the court, twenty-five cents; for calling and swearing every jury on voir dire, twenty-five cents; for calling and swearing every jury to try cause, twenty-five cents; for receiving and entering each verdict of a jury, twenty-five cents; for entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents; for making up and filing judgment roll, twenty-five cents; for each entry of judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, twenty-five cents; for administering every oath or affirmation, twenty cents; for certifying the same, twenty cents; for copy of any proceeding, record, or paper, per folio, fifteen cents; for every certificate under seal, twenty-five cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents; for issuing every execution or other final process, under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents; for receiving and filing every remittitur from supreme court accompanying papers, fifty cents; for taking and approving each undertaking or bond, twenty-five cents; for taking justification thereto, twenty-five cents; for taking testimony on justification to undertaking or bond, for each folio, fifteen cents; for taking acknowledgment of deed or other instrument, to include all writing and seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing every suit in the general index of the court, as required by law, for each name, ten cents; for filing and entering papers on transfer of cases from other courts, two dollars; for transmission of files on transfer of cases to other courts, including certificate of order of transfer, one dollar; for searching records or files of each year, except for suitors or their at-

torneys, fifty cents; for filing all papers on appeal from justices' courts, for each case, one dollar; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, twenty-five cents; for recording papers required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents; for issuing each marriage license, one half to be paid to the county recorder, two dollars; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the judge of the superior court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents; for filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents; for issuing any license required by law, one dollar. For all services in estates of deceased persons, fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisement thereof: Estates of the value of five hundred dollars or less, two dollars; estates of five hundred dollars and not exceeding five thousand dollars, ten dollars; estates of five thousand dollars and not exceeding twenty thousand dollars, twenty-five dollars; estates of over twenty thousand dollars, fifty dollars. The last two named classes of estates shall be charged ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the county clerk shall charge and collect for each action or proceeding commenced in the superior court of said county a fee of one dollar, in addition to the fees above mentioned, which sum shall be deposited in the treasury of the county as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the judge of superior court of such county for said purpose. No fees shall be charged for affidavits or certificates for or in behalf of the United States pension applicants.

2. The sheriff shall receive as compensation four thousand five hundred dollars per annum, and his mileage, at the rate of twenty-five cents per mile for each mile necessarily traveled, in going only.

FEES OF SHERIFF.

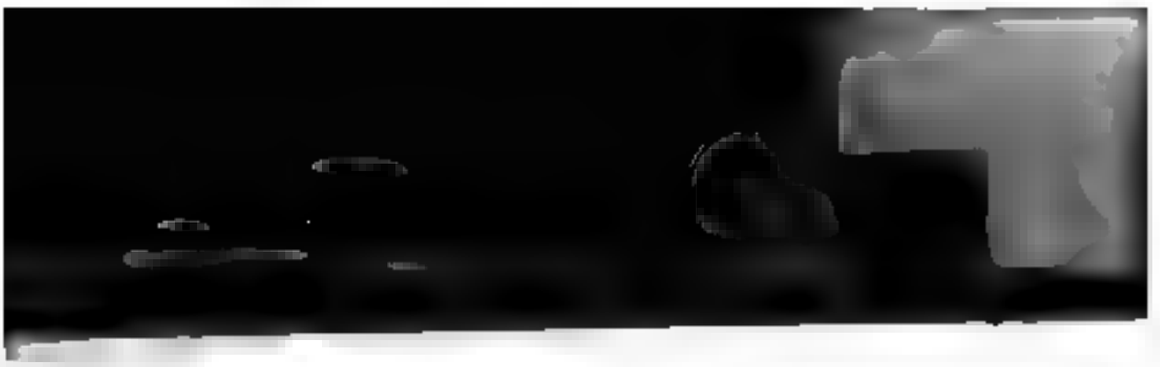
For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar; for serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order; *provided*, that no more than three dollars per diem shall be allowed to a keeper; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, two dollars; for serving a subpœna, for each witness summoned, twenty-five cents; for traveling, to be computed in all cases from the courthouse, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete such service), for each mile necessarily traveled, in going only, twenty-five cents; for commissions for receiving and paying over money on execution or other process, when land or per-

sonal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent; for commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein. For drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents; for executing a certificate of sale, exclusive of filing and recording the same, one dollar; for summoning a trial jury of twelve persons or less, three dollars; for all services in justices' courts, the same fees as are allowed constables for like services; for conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the state for the conveyance of prisoners to the state prison and conveyance of persons to the insane asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

3. The recorder shall receive as compensation two thousand dollars per annum.

FEES OF RECORDER.

For recording every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for filing every instrument for record, and making the necessary entries thereon, fifteen cents; for each certificate under seal, twenty-five cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing same, twenty-five cents; for searching records or files in his office, for each year, when required, fifty cents; for abstract of title, for each conveyance or encumbrance certified, twenty-five



cents; for recording every plat or map, for each course, five cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the clerk, one dollar; for recording transcript, and for all other services in estray cases, one dollar; for recording each mark or brand, fifty cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for recording mining claims and water rights, the same as are allowed for recording any other instrument; for all other services not herein enumerated, the same fees as are allowed the clerk of the superior court for like services.

4. The auditor shall receive as compensation one thousand five hundred dollars per annum.

5. The treasurer shall receive as compensation fifteen hundred dollars per annum.

6. The tax collector shall receive as compensation eighteen hundred dollars per annum.

7. The assessor shall receive as compensation thirty-five hundred dollars per annum; *provided, however*, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes.

8. The district attorney shall receive as compensation eighteen hundred dollars per annum, and traveling expenses, incurred by virtue of his office, to be fixed and allowed by the board of supervisors.

9. The coroner shall receive as compensation the following sums, viz.: For general services in holding an inquest, ten dollars; for each witness subpœnaed, twenty-five cents; for each mile necessarily traveled in going to the place of inquest, twenty-five cents; for directing or attending the interment of each body upon which an inquest has been

hold, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

10. The public administrator shall be allowed and receive such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools shall receive as compensation fifteen hundred dollars per annum, and his necessary traveling expenses, incurred officially, to be fixed and allowed by the board of supervisors.

12. The surveyor shall be allowed and receive such fees as are now or hereafter may be allowed by law.

13. Justices of the peace shall receive as compensation the sums respectively mentioned hereafter, viz.: For entering every case upon his docket, fifty cents; for filing each paper in the suit, twenty-five cents; for issuing any writ or process by which the suit is commenced, fifty cents; for issuing subpœna, for each person, twenty-five cents, for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attachment or arrest, or for the delivery of property, fifty cents; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for issuing an execution, fifty cents; for taking depositions, per folio, fifteen cents; for issuing search warrant, fifty cents; for affidavit for search warrant, including entry on his docket, when there is no other or further action, fifty cents; for entry of cause without process, one dollar; for entering every motion, rule, order, exception, or default, twenty-five cents; for entering any final judgment, for the first folio, fifty cents; for every additional folio, fifteen cents; for entering judgment by confession, and only on affidavit, as required in the superior court, two dollars; *provided, however*, that it shall be the duty of the justices of the peace to pay into the county treasury all sums of money by them received in all criminal cases for fines or other purposes; for entering satisfaction of a judgment, fifty cents; for issuing commission to take testimony, fifty cents; for transcript

of a judgment, order, docket, or paper in his office, for each folio, fifteen cents; for making up and transmitting transcript and papers on appeal, one dollar and fifty cents; for taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents; for celebrating a marriage and returning certificate thereof to the county recorder, five dollars; for all services and proceedings before a justice of the peace in a criminal action or proceeding, whether on examination or trial, two dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the county clerk of the papers in the case), for each folio, fifteen cents; *provided*, no additional compensation shall be allowed for taking bail; for all services connected with the posting of estrays, including transcript to the recorder, two dollars; for all services appertaining to the coroner's office, the justice of the peace who shall act when the coroner shall be absent or unable to attend shall receive the same fees as are allowed to the coroner for similar services. When the venue shall be changed in a civil case, the justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the justice shall be required to transmit the papers, and the justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the justices. In cases of appeal, all fees of the justice, including those on trial and those on appeal, must be paid before the justice shall be required to forward the papers to the county clerk.

14. The constables shall receive as compensation the fees hereinafter respectively designated, viz.: First — For serving summons in civil cases, fifty cents. Second — For summoning any jury before a justice of the peace, including mileage, two dollars. Third — For making sales of estrays, the same fees as for sales on execution. Fourth

— For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however*, that mileage shall be allowed but one way for services performed by constables. Fifth — For all other services, including mileage, the same fees as are allowed the sheriff for similar services.

15. The supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

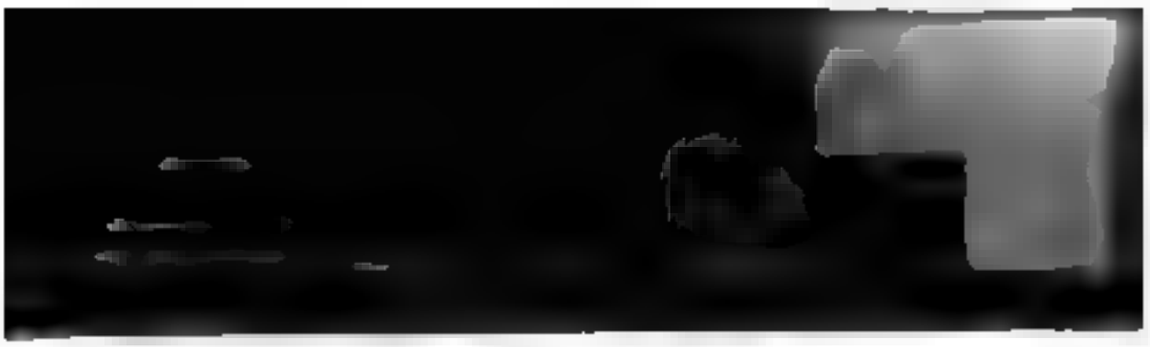
SEC. 194. *Thirty-second class.* In counties of the thirty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, two thousand four hundred dollars per annum. The county clerk shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: Upon the commencement of any action or proceeding, except probate and insolvency proceedings, criminal actions, and cases where the county is plaintiff or petitioner, the clerk shall collect from the party instituting the suit the sum of five dollars, which sum shall be in full for all services to and including entry and docketing of judgment, except for certified copies of papers and per diem; for issuing execution or other final process, fifty cents; for each day's attendance on the court when engaged in the trial of a cause (one half to be paid by each party, and taxed as costs), three dollars; *provided*, that where more than one cause is tried on the same day, or less than one day consumed in the trial of any cause, the court may apportion the amount to be paid; for copies of any record, proceeding, or paper, ten cents per folio; for comparing copies of any record, proceeding, paper, or transcript, where not prepared by clerk, for each folio, two cents; for each certificate, fifty cents; for taking justification of surety on bond or undertaking, twenty-five cents per name; for each affidavit, fifty cents; *provided*, that no fee shall be charged for affidavit or certificate to claim for United States pension, nor to claim against the county,

ner for administering oath of office; for all services performed in any cause transferred from another court, or in any cause appealed from justice's court, to and including entry and docketing of judgment, five dollars; for taking depositions, twenty cents per folio; for taking acknowledgments, fifty cents per name; for filing and docketing transcript of judgment, one dollar; for satisfying or crediting judgment, fifty cents; for filing articles of incorporation, one dollar; for indexing articles of incorporation, fifty cents per name; for filing and indexing certificate of copartnership, one dollar; for issuing marriage licenses, two dollars; for searching records or files, except for litigants or attorneys, for each year, fifty cents; for filing remittitur from supreme court, one dollar; for filing papers and all services in probate cases, to and including issuance of letters testamentary, administration, guardianship, or of special administration, in any case, two dollars; for all other services in probate cases, to and including the final settlement of the case, where the estate does not exceed one thousand dollars, no further fee shall be charged; but for each additional thousand dollars, or fractional part thereof, not exceeding ten thousand dollars, one dollar; and for each one thousand dollars in value of all estates of ten thousand dollars and upward, two dollars, to be determined by the inventory and appraisement return, and collected upon the filing thereof. In insolvency proceedings the clerk shall collect from the petitioner in voluntary insolvency, upon filing his petition, as follows: If the liabilities do not exceed one thousand dollars, ten dollars; if the liabilities exceed one thousand dollars and are less than five thousand dollars, fifteen dollars; if the liabilities exceed five thousand dollars, one dollar for each thousand dollars or fractional part thereof above five thousand dollars, the amount to be determined by the schedule of indebtedness filed with the petition. In involuntary insolvency the clerk shall collect five dollars, and the same fee as in voluntary insolvency, to be paid by the assignee out of the estate, in preference to all other expenses and claims; *provided*, that if the insolvent shall, in involuntary insolvency, petition for his discharge, the clerk shall collect, upon filing such petition, the sum

of ten dollars; *and provided further*, that no cost of publication shall be paid out of the fees above specified. In all cases the clerk shall collect, in addition to the fees hereinabove specified, the sum of one dollar for the county law library fund.

2. The sheriff, four thousand dollars per annum. The sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, for each person served, fifty cents; for levy of attachment, execution, or order for delivery of personal property, one dollar; for serving every notice, rule or order, fifty cents; for advertising property for sale under execution or other process, the cost of publication; for serving a writ of possession or restitution, two dollars; for serving subpœna, for each witness, twenty-five cents; for traveling to serve any paper, for each mile necessarily traveled, in going only, to the place of service, twenty cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service; for commission for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all above that sum, one half of one per cent; for all copies, ten cents per folio; for comparing copies not prepared by sheriff, for each folio, two cents; for drawing and executing a sheriff's deed, to include the acknowledgment, two dollars and fifty cents; for executing a certificate of sale, exclusive of filing and recording, one dollar. In addition to the salary hereinabove provided, the sheriff shall collect and retain, as compensation for his own use, as follows. For expenses in taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the court shall order; *provided*, that not more than three dollars per day shall be allowed for a keeper's fee; for serving any warrant of arrest, two dollars; for every mile necessary to travel, in going only, in executing any warrant of arrest, twenty cents per mile; for taking prisoner before magistrate or to jail, the actual cost of



transportation; *provided*, that all fees in criminal cases shall be a county charge, and presented to the board of supervisors for their allowance, and paid upon their order.

2. The recorder, one thousand eight hundred dollars per annum. The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: For recording every instrument, paper, notice, or document, ten cents per folio; for indexing, ten cents per name; for copy of any record or document, ten cents per folio; for each certificate under seal, fifty cents; for satisfying mortgage on margin of record, fifty cents; for searching records and files in his office, for each year, one dollar; for abstracts of title, for each conveyance, encumbrance certified, fifty cents; comparing copy of any paper or any document when not made by recorder, two cents per folio; for recording every plat or map, for each course, five cents; for figures and letters on plats or maps, per folio, fifty cents; for taking and certifying acknowledgments, fifty cents per name; for filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; for recording each mark or brand, fifty cents; for recording transcript and all other services in estray cases, one dollar; for recording transcript of judgment, fifty cents. No fee shall be charged for recording official bonds.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, one thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall be allowed to charge and collect for their own use the following fees, and no more: In each civil case, of the plaintiff, upon filing his complaint, the sum of three dollars, which shall be in full for all services in the case, to and including entry of final judgment on the docket; for copy of any paper, docket, or order, per folio, ten cents; for each certificate, twenty-five cents; for entering satisfaction of or credit on judgment, twenty-five cents; for issuing execution or other final process, twenty-five cents; for making up and transmitting papers on appeal, one dollar; for all services in posting estrays, one dollar; in cases where the venue shall be changed, the justice to whom the cause is transferred shall be entitled to charge and receive the sum of three dollars, to be paid by the moving party; in services pertaining to the coroner's office, the same fees as the coroner; for celebrating marriage and returning certificate thereof to the recorder, five dollars; for service in any criminal case, whether on examination or trial, each case, three dollars; *provided*, that no justice of the peace shall receive more than one hundred and twenty-five dollars in any one month for service in criminal cases, and the affidavit to his claim against the county shall so state.

14. Constables shall be allowed to charge, and collect for their own use, the fees as follows: For summoning a jury of twelve or less, one dollar; for each additional juryman, ten cents; for making sales of estrays, the same fees as for sales on execution; for traveling to serve any warrant of arrest, summons, notice, order, or subpœna, for each mile necessarily traveled, ten cents *per* mile; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service and return; for taking prisoner before a magistrate or to jail, the actual cost of transportation; *provided*, that in no case shall a constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; *and provided further*, that no constable shall receive, together with his deputies, for services in criminal cases for any one month, an amount in excess of the sum of one hundred and twenty-five dollars,

claim against the county shall so state; for all
rices, such fees as are collected by the sheriff for
ces.
pervisors, six dollars per day for each day spent
vice of the county, and twenty cents per mile for
from residence to county seat.
l shorthand reporters appointed by magistrate to
n the testimony and proceedings in threatened
and at the preliminary examination of parties
vith offenses triable in the superior court, must
heir claims for such services to the board of
rs; and no justice of the peace or magistrate
s the authority to draw an order upon the county
or a warrant for such services. Such reporter
ntitled to compensation as follows: For each day's
taking down testimony and proceedings, ten
or each folio of transcribed testimony and pro-
twenty cents.
e provisions of this section shall take effect im-
, except where it affects the salaries or fees of
nt incumbents.

5. *Thirty-third class.* In counties of the thirty-
s, the county and township officers shall receive
nsation for the services required of them by law,
ne of their office, the following salaries, to wit:—
county clerk, three thousand dollars per annum;
that such clerk shall collect and pay into the
asury, for the use and benefit of the county, the
prescribed fees, to wit: for services performed
the commencement of an action or proceeding,
obate proceedings, including filing of all papers,
ce of all writs, and approval of all bonds, to the
of judgment and including indexing, where the
and defendants do not exceed ten names in the
, five dollars; for indexing each additional name,
for entry of judgment by default, two dollars
cents; for trial of causes, swearing the jury and
including the entry of judgment, when the
does not exceed ten folios, two dollars and fifty
recording each folio in excess of ten folios, ten
filing and entering papers on transfer of cases

from other courts, including indexing, as provided by this act, two dollars and fifty cents; for transmission of files on transfer of causes to other courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents; for taking and certifying depositions, twenty cents per folio; for issuing commissions to take testimony, fifty cents; for taking acknowledgments, one dollar, for taking justification of sureties, twenty-five cents for each surety; and for taking testimony thereon, ten cents a folio; for searching files of each year, except for suitors or their attorneys, one dollar; for services performed in cases appealed from justice's court, before trial, two dollars; for filing transcript of judgment of justice's court, for docketing cause, and issuing execution thereon, two dollars; for satisfying judgment, when entry is made on margin of judgment book by attorney or judgment creditor, or upon return of sheriff, twenty-five cents; for copies of papers, records, or files of his office, ten cents per folio, exclusive of charges for certifying; for filing and indexing articles of incorporation, two dollars; for exemplifying copy of articles of incorporation, under the act of congress, two dollars; for filing certificate of election of officers of incorporations, twenty-five cents; for recording certificate of incorporation, ten cents per folio; for filing and indexing certificates of copartnership, fifty cents; for issuing marriage license, two dollars, for filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, ten cents per folio, for certificate to dismiss appeal, when prepared by the clerk, two dollars and fifty cents; and when prepared or furnished by attorney or party, fifty cents; for comparing copies of papers or transcripts, five cents per folio; for filing papers and issuing letters testamentary, or of administration, guardianship, or special administration, in any case, two dollars; for services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars, and one dollar for each additional one thousand dollars in value, as shown by the inventory; for administering and certify-

ing oaths in all estates, except oaths administered in open court, twenty-five cents; for recording any order or paper in an estate where the number of folios exceeds ten, for each folio exceeding ten, ten cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the clerk upon the filing of such inventory, except such as accrue after the filing of such inventory.

2. The sheriff, six thousand dollars per annum; *provided*, that the sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents; for the trouble and expense of taking and keeping possession of and preserving property under attachment or execution or other process, as the court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for a copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars; for serving a subpœna, for each witness subpœnaed, thirty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of per-

sonal property, writ of possession, restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled in going only to the point of service, twenty cents; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution in the same manner as the sum therein directed to be made; for drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

3. The recorder, two thousand dollars per annum; *provided*, that the recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit. For recording any instrument, paper, or notice, for each folio, ten cents; for copies of any record or paper, per folio, ten cents; for filing or receiving every instrument for record and making the necessary entries thereon, fifteen cents; for making, in the several indexes required, all the entries required of the filing and recording of any instrument, or paper, or notice, for every such instrument, paper, or notice, twenty-five cents; for any certificate under seal, twenty-five cents; for every entry of discharge of mortgage or other instrument on margin of record, twenty-five cents; for searching records and files, for each year, in his office, twenty-five cents; for abstract of certificate of title, when required, for each conveyance or encumbrance certified, twenty-five cents; for recording any town plat, for each course, ten cents; for figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of public schools, eighteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per day, while employed, and mileage.

16. The county clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office, and shall charge and collect for all transcription, recording, and copying done by him or in his office, for which the county clerk is now authorized or empowered to collect fees or make charges, ten cents, and no more, per folio of one hundred words. All fees and charges received or collected by such county clerk shall belong to and be the property of the county, and paid into the treasury thereof. The county recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words, for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office. All fees and charges received and collected by such recorder shall belong to and be the property of the county, and paid into the county treasury thereof.

Be it also enacted, that if any county clerk or county recorder in counties of the thirty fourth class has, during the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, charged and collected such fees

and mileage at the rate of ten cents per mile in going to and from the place of meeting of the board; *provided*, that only one mileage at any one session of the board shall be allowed.

16. The superintendent of schools shall, immediately upon the passage of this act, appoint one person of education and personal worth as commissioner of schools. It shall be the duty of said commissioner, under such rules and regulations as said superintendent of schools may adopt, to assist in the performance of his duties and in the disposition of the work of inspecting the schools of said county. The said commissioner shall hold office for the term of two years from and after his appointment. He shall receive a salary of nine hundred dollars per annum, payable at the same time and in the same manner as the superintendent of schools. Before entering upon the discharge of his duties, he shall take an oath to support the constitution of the United States and the constitution of the state of California, and to faithfully discharge the duties of the office of commissioner of schools to the best of his ability. The said superintendent of schools shall have power to remove said commissioner at any time by an order filed in the county clerk's office, and the vacancy filled in the manner provided above

17. The provisions of this section relating to constables shall take effect and be in force from and after its passage, and shall apply to all officers affected thereby, who are now holding office.

SEC. 196. *Thirty-fourth class.* In counties of the thirty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit. —

1. The county clerk, twenty-five hundred dollars per annum.
2. The sheriff, five thousand dollars per annum.
3. The recorder, two thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand dollars per annum.

The coroner, such fees as are now or may be hereafter allowed by law.

The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of public schools, eighteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per day, while employed, and mileage.

16. The county clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office, and shal charge and collect for all transcription, recording, and copying done by him or in his office, for which the county clerk is now authorized or empowered to collect fees or make charges, ten cents, and no more, per folio of one hundred words. All fees and charges received or collected by such county clerk shall belong to and be the property of the county, and paid into the treasury thereof. The county recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words, for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office. All fees and charges received and collected by such recorder shall belong to and be the property of the county, and paid into the county treasury thereof.

Be it also enacted, that if any county clerk or county recorder in counties of the thirty-fourth class has, during the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, charged and collected such fees

and charges as are hereinbefore in subdivision sixteen of section one of this act provided for, instead of the fees and charges which may have been otherwise provided for by law, then such fees and charges thus collected during said years are hereby legalized and declared to be valid, and a full discharge of all liability of such officers in the collection and of all persons in the payment of such fees and charges; *provided*, that in so far as it relates to the fees herein prescribed, this act shall take effect from and after its passage.

SEC. 197. *Thirty-fifth class.* In counties of the thirty-fifth class, the county officers shall receive as compensation for the services required of them by law, the following salaries, to wit:—

1. The county clerk ($600) six hundred dollars per annum; *provided*, that all fees collected by him in the service of the county shall be paid into the county treasury for the use of the county; *provided*, that parties commencing actions in the superior court, except in probate cases, shall deposit eleven dollars with said clerk, and upon the appearance in the action of the defendant or defendants he or they must deposit five dollars with said clerk, which amounts shall constitute the clerk's fees in full in said action, and the whole thereof must be paid into the county treasury, and in no case shall any rebate be made by the clerk; and the fees for the filing of petition for letters of administration, testamentary, or guardianship shall be fifteen dollars, to be paid to the clerk upon the filing thereof.

When the inventory and appraisement is offered for filing, and it appears therefrom that the value of the estate exceeds three thousand ($3,000) [dollars], the clerk shall, in addition to said deposit, demand and receive one dollar for each and every one thousand dollars in excess of three thousand dollars, which said fees shall constitute in full the clerk's fees in such action or proceeding, and the whole thereof must be paid into the county treasury, and in no case shall any rebate be made by the said clerk.

2. The recorder, fifty five hundred.($5,500) dollars per annum; and the said recorder shall charge and collect in advance, for the use of the county, and pay into the county

treasury, the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, he shall so collect, for each folio, fifteen cents; for indexing every instrument, paper, or notice, for each name, fifteen cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, and indexing same, fifty cents.

3. And the said recorder shall keep a book, known as Record of Mining Claims, and shall keep therein a record of all mining claims in the county brought to him to be recorded, and all fees for such recording shall be paid into the county treasury, for the use of the county.

4. The auditor, ($2,400) twenty-four hundred dollars per annum.

5. The treasurer, ($2,400) twenty-four hundred dollars per annum.

6. The tax collector, ($2,400) twenty-four hundred dollars per annum.

7. The assessor, ($6,500) six thousand five hundred dollars per annum.

8. The district attorney, ($2,000), two thousand dollars per annum.

9. The sheriff, ($8,000) eight thousand dollars per annum.

10. The coroner, such fees as are now or may hereafter be allowed by law.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The superintendent of schools, twenty-four ($2,400) hundred dollars per annum.

13. The surveyor, such fees as are now or may hereafter allowed by law.

14. Justices of the peace, such fees as are now or may hereafter be allowed by law, except for filing each paper shall receive twenty cents; for issuing any writ or pro- by which suit is commenced, twenty-five cents; for ering every cause upon his docket, forty cents; for en- ng any final judgment, for the first folio fifty cents, each additional folio fifteen cents; for taking or ap- ing any bond or undertaking directed by law, twenty- ents; for taking depositions, per folio, fifteen cents;

for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents; for entering judgment by confession and only on affidavit, one dollar and fifty cents; *and provided further*, that, at the option of the justice of the peace, the plaintiff shall give a good and sufficient bond for the costs of suit, on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this act.

15. Constables, such fees as are now or may hereafter be allowed by law.

16. Supervisors, six dollars per day for each day while in service of the county, and thirty cents per mile for traveling from residence to county seat.

SEC. 198. *Thirty-sixth class.* In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, one thousand five hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand five hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, two thousand five hundred dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, one thousand two hundred dollars per annum, and actual expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, the sum of four hundred dollars per annum, together with twenty cents per mile for traveling from his place of residence to the county seat.

16. The officers named in section one hundred and ninety-nine of this act, except three supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of supervisors.

SEC. 200. *Thirty-eighth class.* In counties of the thirty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: -

I. The county clerk, fifteen hundred dollars per annum. The county clerk shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit. From the plaintiff or petitioner in all civil actions or special proceedings of a civil nature, and from the petitioner in all matters of estate and guardianship and insolvency proceedings, a sum not to exceed ten dollars, and from the defendants and respondents in the same matters, a sum not to exceed five dollars. Said sums are to be a deposit to be applied in the payment of costs, and when the same are exhausted a further deposit must be required by the clerk. Any money thus deposited and remaining after judgment, and after the payment of all costs chargeable against the party who has deposited the same, shall, on demand, be returned to the party.

1. In civil actions, and all special proceedings of a civil nature, he shall charge and collect, -

(*a*) For entering each suit on the clerk's register of actions, and indexing the same, and making the necessary entries therein during the trial, one dollar.

(*b*) For issuing every writ under seal, fifty cents.

(*c*) For issuing each subpœna for one or more witnesses, twenty-five cents.

(*d*) For filing each paper, twenty-five cents.

In civil actions, for filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, one dollar; for entering each cause in his docket, fifty cents; for issuing subpœna, for each witness, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for issuing writ of attachment, or of arrest, or for delivery of property, two dollars, for entering any final judgment, three dollars; for entering any motion, rule, or order, twenty-five cents; for swearing a jury, one dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search-warrant, to be paid by the party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for abstract of judgment, one dollar; for copy of judgment, order, proceedings, or paper in his office, for each folio, twenty cents; for taking depositions, in either civil or criminal cases, per folio, twenty cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars. All fees, including those on trial and those on appeal, must be paid before the justice shall be compelled to forward any papers on appeal. In cases where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including making up and transmitting the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fee as if the action had been commenced before him; and all fees must be paid before the justice shall be compelled to forward any papers; for taking an acknowledgment of any instrument, for the first name fifty cents, for each additional name twenty-five cents for all services connected with posting estrays, including the transcript for the recorder, three dollars; for celebrating marriage, and returning certificate to recorder, five dollars; for issuing a warrant of arrest, two dollars; for trial or examination in criminal actions, three dollars; for taking bail after commitment, one dollar.

and provided further, that if it appears from the inventory and appraisement, filed in any estate, that such estate is of the value of one thousand dollars or more, and not of the value of ten thousand dollars, the clerk shall charge and collect in the matter of any such estate one dollar for each one thousand dollars or fraction thereof. If the appraisement shows the estate to exceed the value of ten thousand dollars, he shall charge and collect in the matter of any such estate one dollar for each one thousand dollars for the first ten thousand dollars, and fifty cents for each one thousand dollars over that sum, which shall be in full payment of all services rendered in the matter of such estate after filing the inventory and appraisement.

3. In matters of insolvency proceedings he shall charge and collect the same fees that are allowed for similar services in other matters herein provided.

4. In all matters appealed from justices' courts, he shall collect a deposit of five dollars from the appellant, and a deposit of three dollars from the respondent, to be applied in the payment of costs, in the same manner and to be subject to the same conditions as the deposits made by plaintiffs and defendants in matters originally commenced in the superior court. He shall charge and collect in such matters, for filing all papers on appeal for such case, one dollar and fifty cents. For all subsequent services, and for all other services, the same fees that are allowed for similar services in actions and proceedings originally commenced in the superior court, herein provided.

5. For all other services he shall charge and collect, —

(*a*) For acknowledgment of deed or other instrument, including all writing and seal, for each name thereto, fifty cents.

(*b*) For copying any record, or other document, or other paper, twenty cents per folio.

(*c*) For issuing every license required by law, one dollar.

(*d*) For recording transcript of judgment in justice's court, fifty cents for the first folio, and twenty cents for each subsequent.

(*e*) For filing and entering papers on transfer of cases from other courts, including the indexing of the same, two dollars.

(*f*) For transmission of files on transfer of cases to other courts, including the certificate and order of transfer, one dollar and fifty cents.

(*g*) For searching the records and files for each year, except for suitors or their attorneys, fifty cents.

(*h*) For drawing an affidavit, deposition, or other matter for a suitor, per folio, twenty cents.

(*i*) For filing certificates of incorporation, and for indexing the same, two dollars and fifty cents.

(*j*) For filing all papers to be kept by him and not required to be recorded, to include indexing the same, fifty cents.

II. The recorder, fifteen hundred dollars per annum. The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit.

(*a*) For copies of any records or papers, per folio, twenty cents.

(*b*) For recording any instrument, paper, or notice, when required, for each folio, twenty cents.

(*c*) For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

(*d*) For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, twenty-five cents.

(*e*) For every certificate under seal to copies of records or papers in his office, when required, fifty cents.

(*f*) For every entry of discharge of mortgage on margin of record, fifty cents.

(*g*) For searching records and files of each year in his office, when required, fifty cents.

(*h*) For abstract and certificate of title, when required, for each conveyance or encumbrance certified, one dollar.

(*i*) For recording town plats, for every course, fifteen cents.

(*j*) For figuring and lettering maps and plats, seventy-five cents per folio.

(*k*) For filing marriage license, together with the certificate of the officiating clergyman, priest, or officer performing the marriage ceremony, one dollar.

vided further, that if it appears from the inventory ppraisement, filed in any estate, that such estate is value of one thousand dollars or more, and not of alue of ten thousand dollars, the clerk shall charge collect in the matter of any such estate one dollar for h one thousand dollars or fraction thereof. If the appraisement shows the estate to exceed the value of ten housand dollars, he shall charge and collect in the matter of any such estate one dollar for each one thousand dollars for the first ten thousand dollars, and fifty cents for each one thousand dollars over that sum, which shall be in full payment of all services rendered in the matter of such estate after filing the inventory and appraisement.

3. In matters of insolvency proceedings he shall charge and collect the same fees that are allowed for similar services in other matters herein provided.

4. In all matters appealed from justices' courts, he shall collect a deposit of five dollars from the appellant, and a deposit of three dollars from the respondent, to be applied in the payment of costs, in the same manner and to be subject to the same conditions as the deposits made by plaintiffs and defendants in matters originally commenced in the superior court. He shall charge and collect in such matters, for filing all papers on appeal for such case, one dollar and fifty cents. For all subsequent services, and for all other services, the same fees that are allowed for similar services in actions and proceedings originally commenced in the superior court, herein provided.

5. For all other services he shall charge and collect, —

(*a*) For acknowledgment of deed or other instrument, including all writing and seal, for each name thereto, fifty cents.

(*b*) For copying any record, or other document, or other paper, twenty cents per folio.

(*c*) For issuing every license required by law, one dollar.

(*d*) For recording transcript of judgment in justice's court, fifty cents for the first folio, and twenty cents for each subsequent.

(*e*) For filing and entering papers on transfer of cases from other courts, including the indexing of the same, two dollars.

(*f*) For transmission of files on transfer of cases to other courts, including the certificate and order of transfer, one dollar and fifty cents.

(*g*) For searching the records and files for each year, except for suitors or their attorneys, fifty cents.

(*h*) For drawing an affidavit, deposition, or other matter for a suitor, per folio, twenty cents.

(*i*) For filing certificates of incorporation, and for indexing the same, two dollars and fifty cents.

(*j*) For filing all papers to be kept by him and not required to be recorded, to include indexing the same, fifty cents.

II. The recorder, fifteen hundred dollars per annum. The recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit:

(*a*) For copies of any records or papers, per folio, twenty cents.

(*b*) For recording any instrument, paper, or notice, when required, for each folio, twenty cents.

(*c*) For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

(*d*) For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, twenty-five cents.

(*e*) For every certificate under seal to copies of records or papers in his office, when required, fifty cents.

(*f*) For every entry of discharge of mortgage on margin of record, fifty cents.

(*g*) For searching records and files of each year in his office, when required, fifty cents.

(*h*) For abstract and certificate of title, when required, for each conveyance or encumbrance certified, one dollar.

(*i*) For recording town plats, for every course, fifteen cents.

(*j*) For figuring and lettering maps and plats, seventy-five cents per folio.

(*k*) For filing marriage license, together with the certificate of the officiating clergyman, priest, or officer performing the marriage ceremony, one dollar.

(*l*) For recording transcript, and all other services in tray cases, one dollar.

(*m*) For recording each mark or brand, fifty cents.

(*n*) For filing, indexing, and keeping every paper not by law required to be recorded, fifty cents.

(*o*) For recording mining claims and water rights, without regard to the number of folios therein contained, one dollar.

(*p*) For taking acknowledgment, including seal, for the first name fifty cents; for each subsequent name, twenty-five cents.

(*q*) For all other services, the same fees that are allowed other county officers for similar services.

III. The sheriff, three thousand five hundred dollars per annum; *provided*, said sheriff shall be allowed one jailer, whose compensation shall be fifty dollar per month, to be paid out of the county treasury as the salaries of other county officers are paid. The sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following fees, to wit: —

(*a*) For serving summons and complaint, or any other process by which actions or proceedings are commenced, on each defendant, one dollar.

(*b*) For serving every notice, bill, or order, fifty cents.

(*c*) For serving a subpœna, for every witness summoned, fifty cents.

(*d*) For serving an attachment on property, or levying an execution, or executing an order for the delivery of property or order of arrest, two dollars.

(*e*) For traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to execute an order for the delivery of personal property, writ of possession or of restitution, to hold inquest or trial to right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, only one mileage shall be charged, and that to the most distant point), for each mile necessarily traveled, in going only, to the point of service, twenty-five cents.

(*f*) For taking bond and undertaking in any case in which he is authorized to take the same, two dollars.

(*g*) For copies of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

(*h*) For making and posting notices, and advertising property for sale on execution, or any judgment or order of sale, not to include the costs of publication, for each notice, fifty cents.

(*i*) For the trouble and expense of sheriff's keepers, taking and keeping possession of and preserving property under attachment or execution, or other process, an amount not exceeding three dollars per diem, which amount per diem shall be fixed by the court in which the action is pending.

(*j*) For holding each inquest or trial of right of property, to include all services in the matter, except mileage, five dollars.

(*k*) For drawing and executing a sheriff's deed, to include the acknowledgment thereof, to be paid for by the grantee before delivery, three dollars.

(*l*) For serving every writ of possession or restitution, putting person in possession of property, and removing occupant, five dollars.

(*m*) For executing a certificate of sale, and filing and recording the same, three dollars.

(*n*) For commissions for receiving and paying over money on execution or other process, where lands or personal property has been levied on, advertised, and sold, three per cent on the first one thousand dollars, and two per cent on all over one thousand dollars up to five thousand, and one per cent on all over five thousand dollars.

(*o*) For commissions for receiving and paying over money on execution or process, without levy, or where lands and goods levied upon shall not be sold, two per cent on the first one thousand dollars, and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, costs of advertising, and commissions for making and paying over money on execution, shall be collected from the judgment debtor in the same manner as the judgment collected.

(*u*) For taking depositions in either civil or criminal cases, per folio, twenty cents.

(*v*) For each certificate, fifty cents.

(*w*) For making up and transmitting transcript and papers on appeal, two dollars. All fees, including constable's fees, must be paid before the justice shall be compelled to forward any papers on appeal.

(*x*) In all cases where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmitting of the transcript and papers, shall receive three dollars, which shall be paid before the papers are transmitted, and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

(*y*) For taking an acknowledgment to any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

(*z*) For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

(*A*) For celebrating marriage, and returning certificate to recorder, five dollars.

(*B*) For hearing and accepting a complaint in criminal actions, two dollars.

(*C*) For issuing a warrant of arrest, two dollars.

(*D*) For taking bail after a commitment, two dollars.

XIV. Constables shall receive for their own use and benefit the following fees, to wit:

1. In civil cases, the same fees that are allowed the sheriff for like services.

2. In criminal cases he shall receive,—

(*a*) For making every arrest, two dollars.

(*b*) For summoning a trial jury, two dollars and fifty cents.

(*c*) For every mile necessarily traveled, in going only, in executing a warrant of arrest, serving a subpœna, taking a person before a magistrate or to prison, and for traveling in the performance of all other duties in criminal cases (*provided*, that in serving any process or traveling to perform any other duty, two or more duties or services are

required to be made or performed in the same matters, at the same time and in the same direction, only one mileage shall be charged, and that to the most distant point), for each mile necessarily traveled, twenty-five cents.

(*d*) For each day's attendance on justice's court during the trial or preliminary examination in criminal cases, two dollars.

XV. Supervisors shall receive four hundred dollars per annum, which sum shall include all traveling expenses from their respective residences to the county seat.

XVI. Grand and trial jurors shall receive two dollars per day for attendance upon a court of record, and twenty-five cents per mile in traveling from their residence to the place of trial. No juror who shall be summoned and excused from serving on his own motion shall receive per diem, but mileage only; nor shall any mileage be paid to any juror who shall live within two miles of the court-house. In civil cases, the party in whose favor a verdict is entered, before the same be entered shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that the clerk of courts of record shall keep an account of all moneys received for trials by each juror during the term; and if the sum so received by each juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is entitled to receive pay, which shall be paid out of the county treasury as other county dues. If in any trial in a civil case the jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the party demanding the jury, and if the jury is ordered by the court of its own motion, then, in case of disagreement, the fees of the jury shall be paid by the plaintiff; but in either event the party so paying such fees may recover them as costs if he afterwards obtains judgment; and until they are paid no further proceeding shall be allowed in the action, and in default of so paying said fees for ten days after the same should have been paid, the court may, in its discretion, order the complaint or answer of the party so in default to be stricken from the files. When jurors are attending before the superior court, while the court is engaged in

trial of criminal cases, and they are, by the court, for cause, excused from attendance on the court for more than three days, they shall not receive per diem for such time, but shall be allowed mileage for the distance from their respective homes to the county seat, one way only, whether such jurors choose to remain in the county seat during such time or to return to their homes. Where jurors are excused from attendance on the court for less than three days, they shall be allowed per diem only during such time, and no mileage, whether they choose to return to their homes or remain in the county seat. The provisions above, so far as they are applicable, shall extend to and apply to civil proceedings in justices' courts. Jurors in justices' courts shall, however, receive per diem only while sitting as jurors in the trial of a civil case, and shall be allowed mileage but once in any one case.

XVII. Witnesses shall receive the following fees: For attending in any civil suit or proceeding, before any court of record, referee, commissioner, or justice of the peace, for each day while in attendance at the court, two dollars; for traveling to the place of the trial, twenty-five cents for each mile necessarily traveled. No person shall be obliged to attend or testify in a civil action unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding; *provided, however*, that whenever it appears to the satisfaction of the judge of the superior court, by the oath or affidavit of any witness who has attended before the superior court or grand jury, in any criminal action or proceeding, that such witness resides outside of the county, or that he is so poor as not to be able to bear his own expenses, said judge, by an order subscribed by him, shall direct the auditor of the county to draw a warrant on the county treasury, in favor of said witness, for a reasonable sum, to be specified in said order, as the expenses of said witness. No person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his residence to the place of trial.

XVIII. Interpreters and translators shall be allowed

15. Supervisors shall receive seven dollars per diem and twenty-five cents per mile in traveling to and from their respective residences to the county seat. All of which compensation in the aggregate shall not exceed four hundred dollars per annum each.

SEC. 205. *Forty-third class.* In counties of the forty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1 The county clerk, fifteen hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, one thousand eight hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, twelve hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day while in session, three dollars per day; *provided*, that he in no one year receives more than two hundred and fifty dollars, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

The board of supervisors may, when requested by the official reporter of the superior court and recommended

ceeding, except probate proceedings, including filing of all papers, the issuance of all writs, and approval of all bonds, to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents; for entry of judgments by default, two dollars and fifty cents, for trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed ten folios, two dollars and fifty cents; for recording each folio in excess of ten folios, ten cents; for filing and entering papers on transfer of cases from other courts, including indexing, as provided by this act, two dollars and fifty cents; for transmission of files on transfer of causes to other courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents; for issuing commissions to take testimony, fifty cents; for taking and certifying depositions, twenty cents per folio; for taking acknowledgments, one dollar; for taking justification of sureties, twenty-five cents for each surety; and for taking testimony thereon, ten cents a folio; for searching files of each year, except for suitors or their attorneys, one dollar; for services performed in cases appealed from justice's court, before trial, two dollars; for filing transcript of judgment of justice's court, for docketing cause and issuing execution thereon, two dollars; for satisfying judgment, when entry is made on margin of judgment-book by attorney or judgment creditor, or upon return of sheriff, twenty-five cents; for copies of papers, records, or files of his office, ten cents per folio, exclusive of charges for certifying; for filing and indexing articles of incorporation, two dollars, for exemplifying articles of incorporation under the Act of Congress, two dollars; for filing certificate of election of officers of incorporations, twenty-five cents; for recording certificate of incorporation, ten cents per folio; for filing and indexing certificates of copartnership, fifty cents; for issuing marriage license, two dollars; for filing any bond or other instrument required by law to be filed in his office, fifteen cents, and when recording the same, when required by law, ten cents per folio; for certificate to dismiss appeal,

15. Supervisors, five dollars per diem for each day they hold sessions (not to exceed the sum of five hundred dollars in any one year), and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat; *provided*, that only one mileage shall be allowed at each time.

SEC. 207. *Forty-fifth class.* In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, two thousand five hundred dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, four hundred dollars per annum.
5. The treasurer, eight hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, one thousand two hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, seven hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum and mileage, at the rate of twenty cents per mile from his home going to and from the county seat, at each sitting of the board of supervisors.

SEC. 208. *Forty-sixth class.* In counties of the forty-sixth class the county officers shall receive, as compensa-

cession of premises, and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, three dollars; for serving a subpœna, for each witness subpœnaed, thirty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty cents; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected by the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

3. The recorder, one thousand eight hundred dollars per annum; *provided*, that the recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instrument, paper, or notice, for each folio, ten cents; for copies of any record or paper, per folio, ten cents; for filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents; for making, in the several indexes required, all the entries required of the filing and recording of any instrument, or paper, or notice, for every such instrument, paper, or no-

when prepared by the clerk, two dollars and fifty cents; and when prepared or furnished by attorney or party, fifty cents; for comparing copies of papers or transcripts, five cents per folio; for filing papers and issuing letters testamentary, or of administration, guardianship, or special administration, in any case, two dollars; for services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars; and one dollar for each additional one thousand dollars in value, as shown by the inventory; for administering and certifying oaths in all estates, except oathe administered in open court, twenty-five cents; for recording any order or paper in an estate where the number of folios exceeds ten, for each folio exceeding ten, ten cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the clerk upon the filing of such inventory, except such as accrue after the filing of such inventory.

2. The sheriff, fifty-five hundred dollars per annum; *provided*, that the sheriff shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, one dollar and twenty-five cents; for the trouble and expense of taking and keeping possession of and preserving property under attachment or execution, or other process, as the court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars; for taking bond or undertaking in any case in which he is authorized to take the same, fifty cents; for a copy of any writ, process, or other paper when demanded or required by law, for each folio, ten cents; for serving every notice, rule, or order, fifty cents; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents; for serving a writ of possession or restitution, putting a person in pos-

session of premises, and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, three dollars; for serving a subpœna, for each witness subpœnaed, thirty cents; for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty cents; for commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected by the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

3. The recorder, one thousand eight hundred dollars per annum; *provided*, that the recorder shall collect and pay into the county treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instrument, paper, or notice, for each folio, ten cents; for copies of any record or paper, per folio, ten cents; for filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents; for making, in the several indexes required, all the entries required of the filing and recording of any instrument, or paper, or notice, for every such instrument, paper, or no-

tice, twenty-five cents; for any certificate under seal, twenty-five cents; for every entry of discharge of mortgage or other instrument on margin of record, twenty-five cents; for searching records and files, for each year, in his office, twenty-five cents; for abstract or certificate of title, when required, for each conveyance or encumbrance certified, twenty-five cents; for recording any town plat, for each course, ten cents; for figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking and writing acknowledgments, including seal, for the first signature, one dollar; for each additional name, fifty cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty cents; for recording each mark or brand, fifty cents; for administering and certifying an oath or affirmation, twenty-five cents; for all other services not herein enumerated, the same fees as are now or hereafter may be allowed.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, sixteen hundred dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. Superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace shall receive such fees as are now or hereafter may be allowed by law.

14. Constables shall receive such fees as are now or hereafter may be allowed by law, except that the constable's mileage shall not exceed thirty cents for each mile necessarily traveled, in going only, on the discharge of his duties; *and provided further*, that in no case shall a constable receive for his services and mileage, in misdemeanor cases,

for any one month, an amount in excess of the sum of one hundred dollars; *and provided further*, that when any constable serves any warrant of arrest out of his own county, in any case of misdemeanor, he shall be allowed only the actual and necessary expenses incurred by him in the service of such warrant beyond the limits of his own county, and that he shall not receive any mileage or fees for the distance traveled by him beyond the limits of his own county, in the service of such warrant.

15. Supervisors, six dollars per day for each day while in service of the county, and mileage at the rate of twenty cents per mile for traveling from residence to county seat.

16. The provisions of this section relating to constables shall take effect and be in force from and after its passage, and shall apply to all officers affected thereby who are now holding office.

SEC. 202. *Fortieth class.* In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand six hundred dollars per annum.

2. The sheriff, two thousand five hundred dollars per annum; *provided, however*, that the board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, and he shall receive and retain for his own use the fees now allowed by law for transacting any criminal business without the boundaries of his county; but no fees shall be received by him for services rendered in his own county.

3. The recorder, thirteen hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, fifteen hundred dollars per annum, with commission for collecting poll and personal property tax.

8. The district attorney, one thousand dollars per annum, with traveling expenses, when on official business.

9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, eight hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, a per diem of five dollars; *provided*, that it do not exceed three hundred dollars per annum, with mileage at the rate of ten cents per mile.

16. All persons residing in the county who shall be subpœnaed before a superior court as witnesses in any criminal case shall receive the same fees and be paid in the same manner as trial jurors before the superior court. This subdivision shall take effect immediately.

SEC. 203. *Forty-first class.* In counties of the forty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand six hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, nine hundred dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, two thousand dollars per annum.

8. The district attorney, one thousand six hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the constable's mileage shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of his duties; *provided*, that in no case shall a constable receive for service in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars.

15. Supervisors, five dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

SEC. 204. *Forty-second class.* In counties of the forty-second class, the county officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, one thousand dollars per annum.

4. The auditor, nine hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, seven hundred dollars per annum.

7. The assessor, one thousand eight hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, three hundred dollars per annum.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that whenever such justices are engaged to exceed one day in trial or examination of criminal cases, they shall receive for each day so engaged the sum of three dollars.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors shall receive seven dollars per diem and twenty-five cents per mile in traveling to and from their respective residences to the county seat. All of which compensation in the aggregate shall not exceed four hundred dollars per annum each.

SEC. 205. *Forty-third class.* In counties of the forty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand five hundred dollars per annum.
3. The recorder, one thousand dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, one thousand eight hundred dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, twelve hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day for each day while in session, three dollars per day; *provided*, that he in no one year receives more than two hundred and fifty dollars, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

The board of supervisors may, when requested by the official reporter of the superior court and recommended

tion for the services required of them by law or by virtue of their office, the following salaries, to wit:—

1. The county clerk, one thousand five hundred dollars per annum.

2. Sheriff, three thousand dollars per annum.

3. The recorder, one thousand two hundred dollars per annum.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, three hundred dollars per annum.

7. The assessor, one thousand five hundred dollars per annum.

8. The district attorney, one thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, six hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law

15. Supervisors, eight dollars per day, the aggregate amount of each supervisor not to exceed three hundred dollars per year.

SEC. 209. *Forty-seventh class.* In counties of the forty-seventh class, the county officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk, fifteen hundred dollars per annum.

2. The sheriff, three thousand dollars per annum.

3. The recorder, eight hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

15. Supervisors, five dollars per diem for each day they hold sessions (not to exceed the sum of five hundred dollars in any one year), and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat; *provided*, that only one mileage shall be allowed at each time.

SEC. 207. *Forty-fifth class.* In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, two thousand five hundred dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, four hundred dollars per annum.
5. The treasurer, eight hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, one thousand two hundred dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, seven hundred dollars per annum.
12. The surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum and mileage, at the rate of twenty cents per mile from his home going to and from the county seat, at each sitting of the board of supervisors.

SEC. 208. *Forty-sixth class.* In counties of the forty-sixth class the county officers shall receive, as compensa-

11. The superintendent of schools, six hundred dollars per annum, and one hundred dollars in addition as traveling expenses.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law, and such sums as the supervisors may deem just for service rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the constable's mileage shall not exceed twenty-five cents per mile, counting one way only.

15. Supervisors, five dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

16. When the fees earned by the county clerk and the county recorder in any one month are more than the amount of his salary, then the said county clerk and county recorder shall be allowed to retain one half of such fees which are over and above the amount of his salary for his own use.

SEC. 211. *Forty-ninth class.* In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk, one thousand two hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, four hundred dollars per annum.
5. The treasurer, one thousand dollars per annum
6. The tax collector, one thousand dollars per annum.
7. The assessor, one thousand two hundred dollars per annum.
8. The district attorney, one thousand dollars per annum
9. The coroner, such fees as are now or hereafter may be allowed by law.

7. The assessor, one thousand five hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, six hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, six dollars per day, the aggregate amount to be paid each supervisor not to exceed three hundred dollars per year each, and twenty-five cents per mile for each mile necessarily traveled in going to the county seat to attend sessions of the board.

SEC. 210. *Forty-eighth class.* In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, twelve hundred dollars per annum.

2. The sheriff, three thousand eight hundred dollars per annum.

3. The recorder, six hundred dollars per annum.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, seven hundred dollars per annum.

7. The assessor, one thousand two hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and one hundred dollars in addition as traveling expenses.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law, and such sums as the supervisors may deem just for service rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the constable's mileage shall not exceed twenty-five cents per mile, counting one way only.

15. Supervisors, five dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

16. When the fees earned by the county clerk and the county recorder in any one month are more than the amount of his salary, then the said county clerk and county recorder shall be allowed to retain one half of such fees which are over and above the amount of his salary for his own use.

SEC. 211. *Forty-ninth class.* In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand two hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, four hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, one thousand two hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.

10. The public administrator, such fees as are now or hereafter may be allowed by law.

11. The superintendent of schools, seven hundred dollars per annum.

12. The surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from places of residence to county seat, at each sitting of the board.

SEC. 212. *Fiftieth class.* In counties of the fiftieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:—

1. The county clerk, one thousand six hundred dollars per annum.

2. The sheriff, four thousand dollars per annum.

3. The recorder, eight hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, one thousand two hundred dollars per annum, including deputy, at the option of the board of supervisors, at a salary not exceeding one hundred dollars per month.

8. The district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per day (not exceeding three hundred dollars per annum) for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat at each session of the board; *provided*, that supervisors, when acting as road commissioners, shall receive three dollars per day for each day actually employed in the discharge of the duties of their office as such commissioners; *provided further*, that such per diem shall not exceed three hundred dollars per annum; *provided*, that in so far as this section relates to the pay of road commissioners, the provisions of this act shall take effect immediately upon its passage.

SEC. 213. *Fifty-first class.* In counties of the fifty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, one thousand two hundred dollars per annum.
3. The recorder, nine hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, twelve hundred dollars per annum.
7. The assessor, six hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or hereafter may be allowed by law.
10. The public administrator, such fees as are now or hereafter may be allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, three hundred dollars each per annum, and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

SEC. 214. *Fifty-second class.* In counties of the fifty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: —

1. The county clerk, one thousand two hundred dollars per annum.
2. The sheriff, two thousand six hundred dollars per annum.
3. The recorder, six hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The district attorney, nine hundred dollars per annum.
8. The assessor, nine hundred dollars per annum, including a deputy, at the option of the board of supervisors, at a salary not exceeding one hundred dollars per month.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, two hundred and forty dollars per annum.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. The justices of the peace, such fees as are now or may hereafter be allowed by law.
14. The constables, such fees as are now or may hereafter be allowed by law.
15. The supervisors shall not receive over three hundred dollars per annum, and shall be paid six dollars for each day actually employed in the discharge of the duties of their office, together with mileage, at the rate of thirty cents per mile, in going only, from their residence to the county seat, at each session of the board.

SEC. 215. *Fifty-third class.* In counties of the fifty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: —

1. The county clerk, five hundred dollars per annum.
2. The sheriff, five hundred dollars per annum.
3. The recorder, three hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.
8. The district attorney, three hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board; *and provided further*, that supervisors, when acting as road commissioners, shall receive three dollars per diem, such per diem not to exceed the total sum of fifty dollars per annum; *provided*, that in so far as this section relates to the pay of road commissioners, the provisions of this act shall take effect immediately upon its passage.

SEC. 216. *Full compensation.* The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers therein named, either as officers or ex officio officers, their deputies and assistants, unless in this act other-

wise provided; and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; *provided, however*, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section one thousand nine hundred and one of the Political Code; *provided, however*, that in counties of the second class the percentage received by the assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of the other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be retained by him as compensation, and all expenses in collecting the same shall be paid by the county; *and provided further*, that the board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix the price at which such prisoners shall be boarded, if not otherwise provided for in this act; *provided further*, that the sheriff shall be entitled to receive and retain for his own use five dollars per diem for conveying prisoners to and from the state prisons and for conveying persons to and from the insane asylums or other state institutions; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums and in conveying persons to and from the state prisons, which per diem and expenses shall be allowed by the board of examiners, and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action.

In any county of this state where the number of judges of the superior court shall have been increased since the

rst day of January, eighteen hundred and eighty-seven, r shall hereafter be increased, there must be and there ereby is allowed to the sheriff of such county, because of ach increase in the number of judges, one additional eputy, to be appointed by the sheriff for each additional judge elected or appointed; and also there must be and there hereby is allowed to the county clerk of such county, because of such increase in the number of judges, one additional deputy, to be appointed by the county clerk, to act as court-room clerk, and one additional deputy, to be appointed by the county clerk, to act as register clerk, for each additional judge elected or appointed; *provided*, there must be but one such additional register clerk where two additional judges are elected or appointed, and but two such additional register clerks where three or more additional judges are elected or appointed. The compensation to be paid all deputy sheriffs and deputy clerks hereunder shall be one hundred and twenty-five dollars per month, and the same shall be paid monthly out of the county treasury of such county, in the same manner and at the same time other county officials are paid; *provided*, that in counties of the second class the compensation of such deputy sheriffs hereunder shall be three dollars per day. Whenever the salary or compensation of any officer is increased or diminished by the terms of this act, the provisions hereof so increasing or diminishing such salary or compensation shall not, except as herein otherwise provided, apply to or affect present incumbents, except as to the per diem and expenses to be paid to the sheriff for conveying persons to and from the insane asylums, and conveying prisoners to and from the state prisons or other state institutions; *provided*, that the per diem allowed to sheriffs by this section for taking persons and prisoners to and from the insane asylums and state prisons and other state institutions shall be a state charge, and payable out of the state treasury, upon the warrants of the controller, after having been audited by the state board of examiners or auditors; *and provided, however*, that the provisions of this act allowing a deputy or deputies to clerks and sheriffs of counties where the number of judges of the superior court shall have been in-

STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

SEC. 222. *Statement of fees must precede warrant.* The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with a certificate of the county treasurer, showing that he has made the statement and settlement for that month required in this act.

OFFICIAL SERVICES AND FEES.

SEC. 223. *Fees must be tendered first.* The officers mentioned in this act are not in any case, except for the state or county, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

ACCOUNT AND RECEIPT FOR FEES.

SEC. 224. *Must receipt for fees.* Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person, a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same in treble the amount so paid.

POSTER OF FEES OF JUSTICES.

SEC. 225. *Poster of justices' fees.* It shall be the duty of each justice of the peace to prepare and keep posted in a conspicuous place in his office a plain and legible statement of the fees allowed by law to justices of the peace and constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other justice of the peace of the county.

ILLEGAL FEES.

SEC. 226. *Illegal fees.* The board of supervisors, upon receiving a certified copy of the record of conviction of

y officer for receiving illegal fees, must declare his fice vacant.

SERVICES PERFORMED BY SUCCESSOR.

SEC. 227. *Services performed by successor.* It shall be the duty of all officers in this act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services.

NO FEES ON HABEAS CORPUS.

SEC. 228. *No fees for habeas corpus.* No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus or naturalization, nor for administering or certifying the oath of office.

SEC. 229. Accounts for county charges of every description must be presented to the board of supervisors, to be audited as prescribed in this act.

SEC. 230. *What are county charges.* The following are county charges: —

1. Charges incurred against the county by virtue of any of the provisions of this act.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

4. The sums required by law to be paid to the grand jurors and indigent witnesses and witnesses from without the county in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace for services in the examination of the persons charged with crime, not otherwise provided for by law.

7. The necessary expenses incurred in the support of the county hospitals, poorhouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The salaries of constables for services rendered in criminal cases in counties where they receive a salary for such services, and the fees of constables in like cases when not salaried therefor.

COST OF CRIMINAL ACTIONS ON REMOVAL.

SEC. 231. *When criminal action is removed for trial.* When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

COSTS ON REMOVAL — HOW CERTIFIED AND PAID.

SEC. 232. *How costs of removal are certified and paid.* The clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county, and such auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such auditor shall forward to said treasurer and auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the county clerk and the court, and the auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasurer of his county; and the country treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the general fund of said county; or, if at the date of presentation there is not sufficient money in the said general fund to pay the same, he must indorse upon said warrant "Not paid for

want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the auditor of the county where the indictment was found

SEC. 233 Any provision of this act creating a county office, unless otherwise provided, in any county, shall not (except for election purposes) take effect prior to the first Monday after the first day of January, eighteen hundred and ninety-five.

PRESENT INCUMBENTS.

SEC. 234. *This act not to affect present incumbents.* The provisions of this act, unless otherwise herein provided, so far as it relates to the compensation and salaries of all officers named, shall not affect the present incumbents; *provided*, that when the salary of any such officer, or fees in lieu of such salary, is not now fixed by law, the same shall, as to such officer, take effect immediately.

SEC. 235. *New counties.* Counties created or organized after the passage and approval of this act shall immediately come under and be governed by its provisions, so far as the same are applicable thereto; *provided*, that when the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the board of supervisors of such county to designate, by order, the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided further*, that the salary of county officers, the salaries of their deputies, clerks, or assistants, and the number of such deputies, clerks, or assistants, shall in no way be affected by reason of such division of the county or order of the board of supervisors for the term for which they were elected and shall have qualified; *provided further*, that in all newly created counties, for the purpose of fixing the salaries and fees of county and township officers, the board of commissioners appointed to organize said new county, and if no commissioners be appointed, then the board of supervisors of said new county, shall classify said new county according to the population classification of this act.

SEC. 236. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 237. *Takes effect.* This act shall, except as herein otherwise provided, take effect on the first Monday after the first day of January, eighteen hundred and ninety-five.

MUNICIPAL CORPORATIONS.

[The various acts relating to municipal corporations passed at the sessions of 1891 and 1893 are here appended in the order of their passage.]

An act to amend section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendment thereto, approved March 19, 1889.

[Approved March 2, 1891; Stats. 1891, p. 21.]

SECTION 1. Section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and amended March nineteenth, eighteen hundred and eighty-nine, is hereby amended to read as follows: —

Section 752. The members of the board of trustees and of the board of education, and the assessor, marshal, treasurer, and recorder, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the second Monday in April, in each odd numbered year. The assessor, marshal, treasurer, and recorder shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the board of trustees and of the board of education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; *provided*, that the first board of trustees and board of education elected under the provisions of this act shall, at their first meeting, so classify themselves, by lot, as that three of their members shall go out of office at the expiration of two years, and two at the expiration of four years. The city attorney and the city clerk shall be appointed by the board of trustees, and shall hold office dur-

ing the pleasure of the board of trustees. The board of trustees may, in their discretion, appoint a poundmaster, to hold office during the pleasure of the board; also a superintendent of streets and a city engineer, both of whom shall hold office during the pleasure of the board, and both of which offices may be held by the same person.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act to amend section seven hundred and ninety-five of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 10, 1891; Stats. 1891, p. 28.]

SECTION 1. Section seven hundred and ninety-five of the act, the title of which is recited in the title hereof, is hereby amended so as to read as follows: —

Section 795. From and after the organization of each of such cities the same shall constitute a separate school district, which shall be governed by the board of education of such city; *provided*, the board of supervisors may include more territory in such school district than that included in such city, and in that case such outside territory shall be deemed a part of such city for the purpose of holding the general municipal election, and shall be an election precinct by itself, and its qualified electors shall vote only for the board of education, and said outside territory shall be deemed to be a part of said city for all matters connected with the school department, and the annual levying and collecting of the property tax for the school fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act to amend section eight hundred and seventy-four of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 10, 1891, Stats. 1891, p. 55.]

SECTION 1. Section eight hundred and seventy-four of an act entitled "An act to provide for the organization,

incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is amended so as to read as follows:

Section 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water-fronts, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city or town, for at least two weeks; or, if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period. Such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the board of trustees may reject any and all bids presented, and readvertise, in their discretion.

An act to amend section seven hundred and seventy-seven of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 10, 1891; Stats. 1891, p. 54.]

SECTION 1. Section seven hundred and seventy-seven of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is amended so as to read as follows:—

Section 777. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water-fronts, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a

newspaper of general circulation printed and published in such city, for at least two weeks, or, if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period. Such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the board of trustees may reject any and all bids presented, and readvertise, in their discretion. The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice, as provided in this section, and the contract therefor shall be awarded separately from all other printing.

An act to amend section five of an act approved March 19, 1889, entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever;" and to repeal the act approved March 9, 1885, entitled "An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;" also, to repeal an act approved March 15, 1887, entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state."

[Approved March 11, 1891; Stats. 1891, p. 84.]

SECTION 1. Section five of the act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:—

Section 5. No city, town, or municipal corporation shall incur an indebtedness for public improvements which shall, in the aggregate, exceed fifteen per cent of the assessed value of all the taxable real estate and personal property of such city, town, or municipal corporation.

SEC. 2. This act shall go into effect from and after its passage.

An act to amend section two of an act approved March 19, 1889, entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the act approved March 9, 1885, entitled 'An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;' also to repeal an act approved March 15, 1887, entitled 'An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state.'"

[Approved March 11, 1891; Stats. 1891, p. 94.]

SECTION 1. Section two of the act the title of which is recited aforesaid in the title of this act is hereby amended to read as follows: —

Section 2. Whenever the legislative branch of any city, town, or municipal corporation shall, by ordinance passed by a vote of two thirds of all its members, and approved by the executive of said city, town, or municipal corporation, determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal buildings, bridges, waterworks, water rights, sewers, or other municipal improvements, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, they may, after the publication of such ordinance for at least two weeks in some newspaper published in such municipality, and at their next regular meeting after such publication, or at an adjourned meeting, by ordinance passed by a vote of two thirds of all its members, and also approved by the said executive, call a special election and submit to the qualified voters of said city, town, or municipal corporation, the proposition for the purpose set forth in the ordinance, and no question other than the incurring of indebtedness for said purpose shall be submitted. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvement, the necessity for such improvement, and that

the bonds of the municipality shall issue for the payment of the cost of such improvement, as in such ordinance set forth, if the proposition be accepted by the qualified voters, as hereinafter provided, and shall fix the day on which such special election shall be held, the manner of holding such election, and the voting for or against incurring such indebtedness; such election shall be held as provided by law for holding such election in such city, town, or municipal corporation; *provided, however*, that where by the terms or provisions of the charter of any city, town, or municipal corporation, the cost of making the proposed improvements is to be or must be paid from a special fund created by such charter for that purpose, the proposition of incurring such an indebtedness may be submitted to the qualified voters at any general election for officers of the state of California or of such city, town, or municipal corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act to validate proceedings for the reorganization of municipal corporations taken since the passage of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, and also, since the passage of the act entitled "An act to provide for the classification of municipal corporations," approved March 8, 1883.

[Approved March 11, 1891; Stats. 1891, p. 92.]

SECTION 1. *Validating acts of municipal corporations.* All cities and counties, cities or towns, reorganized, or claiming to have been reorganized, since the passage of the acts the titles of which are recited in the title hereof, or which have attempted since said dates to reorganize or incorporate under the provisions of said acts or either of them, and have acted as municipal corporations since such reorganization, are hereby declared to be and to have been from the date of such reorganization, or attempted reorganization, duly and legally incorporated and reorganized cities, and all proceedings for the reorganization of such municipal corporations are hereby validated and declared legal.

SEC. 2. This act shall take effect from and after its passage.

An act authorizing incorporated cities to acquire, by gift, purchase, or condemnation proceedings, water, water rights, reservoir sites, rights of way, and other appliances for supplying such cities and their inhabitants with water.

[Approved March 14, 1891; Stats. 1891, p. 102.]

SECTION 1. *How to acquire water rights.* Any incorporated city in this state may acquire, by gift, purchase, or condemnation proceedings, under the power of eminent domain, water, water rights, reservoir sites, rights of way for pipes, aqueducts, flumes, or other conduits, and all other property and appliances suitable and proper for supplying such city and its inhabitants with water.

SEC. 2. This act shall go into effect immediately upon its passage.

An act to amend section seven hundred and ninety-seven of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 17, 1891; Stats. 1891, p. 114.]

SECTION 1. Section seven hundred and ninety-seven of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows: —

Section 797. The board of education shall meet on the second Tuesday after such general municipal election, and choose one of its members as president, and shall appoint a secretary, who shall hold at the pleasure of said board. The regular meetings of said board shall thereafter be held as often as once in each month, in the place provided for the board of trustees, and the time for holding such meetings shall be fixed by the board of education. Special meetings of said board may be held when called by written notice, signed by its president or three of its members, and delivered personally to each of its members who shall not have signed the same. Three members shall constitute a quorum, and no business shall be transacted by said board of education without the concurrence of three of its members; but a majority of the members present at any meeting may adjourn from time to time. All the meetings of

said board of education shall be public, and full records of its proceedings shall be kept by the secretary of said board. The members of the board of education shall receive no compensation for their services as school directors.

SEC. 2. This act shall take effect immediately.

An act to amend sections nine and ten of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever; and to repeal the act approved March 9, 1885, entitled 'An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks', also to repeal an act approved March 15, 1887, entitled 'An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this state,'" approved March 19, 1891.

[Approved March 19, 1901. Stats. 1901, p. 132.]

SECTION 1. Section nine of said above-entitled act is hereby amended so as to read as follows: —

Section 9. It shall be the duty of the legislative branch of every city, town, or municipal corporation, wherein public improvements are being made under the provisions of this act, to make all needful rules and regulations for carrying out and maintaining such improvements; to appoint all needful agents, superintendents, and engineers to properly look after the construction and operation of such public works, and in all lawful ways to protect and preserve the rights and interests of the municipality; *provided, however*, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town, or municipality.

SEC. 2. Section ten of said above-entitled act is hereby amended so as to read as follows: —

ion 10. All contracts for the construction or com-
n of any public works or improvements, or for fur-
ng labor or materials therefor, as herein provided,
ll be let to the lowest responsible bidder. The legisla-
e branch of the municipality shall advertise, for at least
en days, in one or more newspapers published in the mu-
nicipality, inviting sealed proposals for furnishing the labor and materials for the proposed improvements, before any contract shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best from the successful bidder, to insure the faithful performance of the contract work. They shall also have the right to reject any or all bids; *provided, however*, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town, or municipality.

An act to amend section eight hundred and sixty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 31, 1891; Stats. 1891, p. 233.]

SECTION 1. Section eight hundred and sixty-two of article three, chapter seven, of said act, be and the same is hereby amended so as to read as follows:—

Section 862. The board of trustees of said city shall have power:—

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any waterfront.

3. To contract for supplying the city or town with

water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To construct, establish, and maintain drains and sewers.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of such city.

8. To impose and collect an annual license not exceeding two dollars on every male dog and four dollars on every female dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which said tax shall be apportioned as follows: For the general fund, which shall include the fund for street work, not exceeding fifty cents on each one hundred dollars; for the sewer and water fund, not exceeding fifteen cents on each one hundred dollars.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to pro-

collection of the same by suit or otherwise;
at any license taxes collected under a city or-
ll be collected by the city or town marshal,
o the city or town treasury for the use of the
in which it is collected.
prove the rivers and streams flowing through
r adjoining the same; to widen, straighten,
the channels thereof, and remove obstructions
to improve the waterfront of the city; to con-
maintain embankments and other works to
city from overflow, and to acquire, own, con-
tain and operate on any lands bordering on
le bay, lake, inlet, river, creek, slough, or arm
ithin the corporate limits of such city, or con-
eto, wharves, chutes, piers, breakwaters, bath
life-saving stations.
ect and maintain buildings for municipal pur-

quire, own, construct, maintain, and operate
ays, telephone and telegraph lines, gas and
for light and heat, public libraries, museums,
, and baths; and to permit, under such re-
they may deem proper, the laying of railroad
the running of cars drawn by horses, steam, or
r thereon, and the laying of gas and water
s public streets, and to permit the construc-
aintenance of telegraph and telephone lines

pose fines, penalties, and forfeitures for any
tion of ordinances; and for any breach or vio-
ordinance, to fix the penalty by fine or im-
or both; but no such fine shall exceed three
llars, nor the term of imprisonment exceed
s.
use all persons imprisoned for violation of any
labor on the streets, or other public property
thin the city.
o and perform any and all other acts and
sary or proper to carry out the provisions of
.

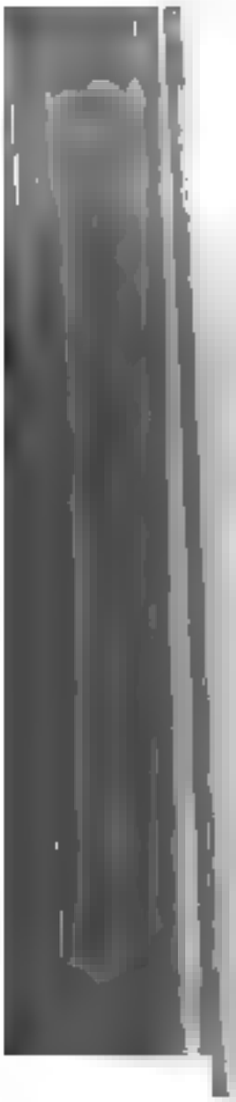
An act to amend section seven hundred and ninety of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1863.

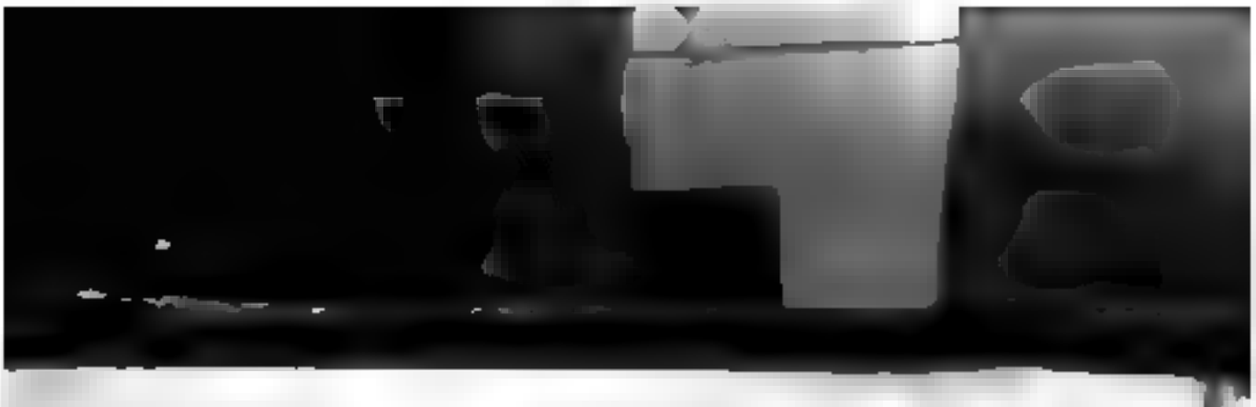
[Approved March 28, 1883: Stats. 1883, p. 200.]

SECTION 1. Section seven hundred and ninety is hereby amended so as to read as follows —

Section 790. The department of police of said city shall be under the direction and control of the city marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the recorder all breaches or violations of or non-compliance with any city ordinance which shall come to his knowledge. He shall collect all taxes levied by the board of trustees, except as is herein provided. He shall, at the expiration of any month, pay to the city treasurer all taxes and other funds of said city collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the city clerk, and shall, upon depositing with the city clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all city licenses, and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the board of trustees. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the board of trustees, one or more deputies,

for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the city marshal. He may also, with the concurrence of the president of the board of trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the board of trustees shall require, and shall receive such compensation from the city as shall be fixed by ordinance, in addition to such mileage and fees as he shall receive in the service of process of the courts of this state, other than the recorder's court of such city, which mileage and fees shall be the same as is allowed by law to constables in the county in which such city is situated.





GENERAL STATUTES.

PASSED AT THE SESSIONS OF 1891 AND 1893, AND NOT INCORPORATED IN OTHER PARTS OF THIS VOLUME.

ANIMALS.

t to regulate the disposition of the hides of cattle killed or slaughtered in the state of California.

[Approved March 23, 1893; Stats. 1893, p. 235.]

TION 1. Any person or persons who shall at any time r slaughter, or who shall cause to be killed or slaugh-, any cattle, either for his or their own use and consump- or for sale, shall retain, or caused to be retained, in their ssion, the hides taken off said animals, with the ear-marks hed thereto, without any alteration or disfiguration of rands or marks on said hide or ears, for the period of ten

. 2. Any justice of the peace, constable, owner of cattle, y other person, may, within the period of time mentioned first section of this act, demand an exhibit of the hide les of any cattle so killed or slaughtered (as herein pro-) by the person so killing or slaughtering the same, or by ther person for whose use or benefit said animal was ; and upon such demand being made, he or they shall ice the same for the inspection of said justice of the peace, able, owner of cattle, or any other person.

. 3. Any person or persons who shall violate any of the sions of this act shall be deemed guilty of a misdemeanor, pon conviction thereof shall be fined in any sum not less twenty dollars nor more than one hundred dollars, or be soned in the county jail for any term not less than ten nor more than ninety days, or by both such fine and im- nment.

. 4. This act shall take effect and be in force from and its passage.

ARBITRATION.

t to provide for a state board of arbitration for the settlement differences between employers and employees, to define the du- of said board, and to appropriate the sum of twenty-five hun- d dollars therefor.

[Approved March 10, 1891; Stats. 1891, p. 49.]

TION 1. On or before the first day of May of each year, overnor of the state shall appoint three competent per-

gone to serve as a state board of arbitration and conciliation. One shall represent the employers of labor, one shall represent labor employees, and the third member shall represent neither, and shall be chairman of the board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the governor shall appoint some one to serve the unexpired term provided, however, that when the parties to any controversy or difference, as provided in section two of this act, do not desire to submit their controversy to the state board, they may by agreement each choose one person, and the two shall choose a third, who shall be chairman and umpire, and the three shall constitute a board of arbitration and conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the state board. The members of the said board or boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this act.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employees, the board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both, to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, and shall be recorded upon proper books of record to be kept by the board.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board, which must, if possible, be made within three weeks of the date of filing the application. Upon the receipt of said application, the chairman of said board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the board shall proceed no further therein, unless the consent of the adverse party, and the party so failing the contract shall pay the extra cost of the board entailed thereby. The board may then respond to the case and proceed to the final arbitration thereof as provided in section two hereof.

SEC. 4. The decision rendered by the board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by

the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employees by posting a notice thereof in three conspicuous places in the shop or factory where they work.

SEC. 5. Both employers and employees shall have the right at any time to submit to the board complaints or grievances and ask for an investigation thereof. The board shall decide whether the complaint is entitled to a public investigation; and if they decide in the affirmative, they shall proceed to hear testimony, after giving due notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service and also their necessary traveling and other expenses incident to the duties of their office, which shall be paid out of the state treasury, but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the expenses of the board for the first two years after its organization.

SEC. 8. This act shall take effect and be in force from and after its passage.

BANKRUPTCY

An act to amend section sixty of an act entitled "An act for the relief of insolvent debtors, for the protection of creditors and for the punishment of fraudulent debtors" approved April 16, 1880, relating to setting apart exempt property for the use and benefit of the insolvent, and making it mandatory and prescribing for giving notice of the hearing of the application therefor.

[Approved February 27, 1893, Stats. 1893, p. 45.]

SECTION 1. Section sixty of an act entitled "An act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty, is hereby amended to read as follows:

Sec. 60. It shall be the duty of the court having jurisdiction of the proceedings, to except and set apart, for the use and benefit of said insolvent, such real and personal property as is by law exempt from execution; and also a homestead, in the manner as provided in section one thousand four hundred and sixty-five of the Code of Civil Procedure. But no property or homestead shall be set apart, as aforesaid, until it is first proved that notice of the hearing of the application therefor has been duly given by the clerk, by causing notices to be posted in at least three public places in the county at least ten days prior to the time of such hearing, setting forth the name of said insolvent debtor, and the time and place appointed for the hearing of such application, which said notice shall briefly indicate the homestead sought to be exempted or the property sought to be set aside; and the decree must show that such

proof was made to the satisfaction of the court, and shall be conclusive evidence of that fact.

An act to amend section six, and to repeal section sixty-three, of an act entitled "An act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1889, relating to the appointment of receivers, and the care and disposition of the property of insolvent debtors, during the pendency of insolvency proceedings, and before the election of an assignee.

[Approved April 6, 1891. Stats. 1891, p. 541.]

SECTION 1. Section six of an act entitled "An act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty, is hereby amended to read as follows:—

Section 6. Upon receiving and filing such petition, schedule, and inventory, the court shall make an order declaring the petitioner insolvent, and appointing the sheriff of the county, or city and county, where said petition is filed, a receiver, to take charge and possession of all of the estate, real and personal, of the debtor, except such as may be by law exempt from execution, and of all his deeds, vouchers, books of account, and papers, and to keep and care for and dispose of the same until the appointment of an assignee; and thereupon and after such appointment, the oath, undertaking, and powers of such receiver shall, in all respects, be regulated by the general laws of the state applicable to receivers. Said order shall further forbid the payment of any debts, and the delivery of any property belonging to such debtor to him, or for his use, and the transfer of any property by him; and shall further appoint a time and place for the meeting of the creditors to prove their debts and choose one or more assignees of the estate, which shall not be less than thirty days after the making of said order; and shall designate a newspaper or newspapers of general circulation in which publication thereof shall be made. Upon the granting of said order, all proceedings against the said insolvent shall be stayed.

SEC. 2. Section sixty-three of said act entitled "An act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

BLUE BOOK.

An act to provide for the publication of the state blue-book or roster.

[Approved March 23, 1893. Stats. 1893, p. 215.]

SECTION 1. The secretary of state is hereby authorized to compile, publish, and distribute five thousand copies of a state blue-book or roster. The volume shall be ready to distribute at the beginning of the next fiscal year, and at the same time biennially thereafter.

SEC. 2. The volumes shall be distributed as follows: To the governor of the state, twenty-five copies; to each elective state officer, senator, and assemblyman, ten copies; to the clerk, sheriff, and district attorney of every county of the state, one copy each; to every judge of the supreme court, supreme court commissioners, and superior judges, a copy; to the mayor of every city, or chairman of its trustees, in this state, a copy; to the state library, five copies, and every public and every law library, a copy: to the governor and secretary of state of every state in the union, a copy; to the congressional library at Washington, D. C., five copies. The remainder of the volumes shall be distributed at discretion by the secretary of state.

SEC. 3. The act of March thirty-first, eighteen hundred and ninety-one, on the same subject, is hereby repealed.

An act to provide for the publication and distribution of a state blue book or roster.

[Approved March 31, 1891; Stats. 1891, p. 454.]

SECTION 1. The secretary of state is hereby authorized to compile, publish, and distribute one thousand copies of a state blue-book or roster. The volumes shall be ready to distribute at the beginning of the next fiscal year, and at the same time biennially thereafter.

SEC. 2. The volumes shall be distributed in part as follows: To every elective state officer, one copy each: to every member of the senate and assembly, one copy each; to the clerk of every county in the state, one copy each; to the mayor or chairman of the board of trustees of every city in the state, one copy each; to the state library, five copies; to the congressional library at Washington, D. C., five copies; to every public and every law library in the state, one copy each; to the secretary of state of every state in the union, one copy each. The remainder of the volumes shall be retained and distributed at the discretion of the secretary of state.

SEC. 3. This act shall take effect from and after its passage.

CALIFORNIA STATUTES, INDEX TO.

An act authorizing the superintendent of state printing to have prepared and printed an index to all the laws of California, 1850–1893.

[Approved March 11, 1893; Stats. 1893, p. 150.]

SECTION 1. The superintendent of state printing is hereby authorized and directed to have prepared and printed a complete index to all the laws of California, eighteen hundred and fifty to eighteen hundred and ninety-three, both dates inclusive.

SEC. 2. There shall be printed the same number of copies of the index as is printed of the statutes of California, and the distribution and sale of the same shall be made under the laws governing the distribution and sale of the statutes of California.

SEC. 3. The cost of compilation and printing of the index

shall be paid out of the appropriation made for the support of the state printing-office

SEC. 4. This act shall take effect from and after its passage.

CHINESE IMMIGRATION.

An act to prohibit the coming of Chinese persons into the state, whether subjects of the Chinese Empire or otherwise and to provide for registration and certificate of residence and determining the status of all Chinese persons now resident of this state, and fixing penalties and punishments for violation of this act, and providing for deportation of criminals

[Approved March 31, 1901. Stats. 1901, p. 185.]

SECTION 1. From and after the passage of this act, it shall be unlawful for any Chinese person or persons whether subjects of the Chinese Empire or otherwise as well as those who are now within the limits of this state and who may hereafter leave this state and attempt to return as those who have never been here or having been here have departed from this state (save and excepting only the following classes that is to say Such Chinese person or persons as may be duly accredited to the government of the United States as ministers plenipotentiary or other diplomatic representatives consuls-general, consular and commercial agents including other officers of the Chinese or other governments traveling upon the business of that government with their lady and household servants), to come to or within or to land at or remain in any port or place within this state and the coming of Chinese persons to this state whether for the purpose of transit only or otherwise, excepting the classes herein before specifically described and excepted from and after the passage of this act, be and the same is hereby absolutely prohibited

SEC. 2. The master owner or agent of any vessel, who, on clearing from any foreign port and bound to any port of this state shall knowingly ship as a sailor of marine, or enter upon his crew list or count upon his "bill of health," or permit the same to be entered or counted, the name of or bring into this state any Chinese person, other than those excepted by the statutes of the United States, as such Chinese person or persons, duly accredited to the government of the United States as ministers plenipotentiary or other representatives, consuls-general consular and commercial agents, including other officers of the Chinese or other governments traveling upon business of that government with their lady and household servants, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese person so entered counted, or brought into this state, and may also be imprisoned for a term of not exceeding one year but the foregoing provisions shall not apply to the case of any master, owner or agent whose vessel, being bound to a port not within this state shall come within the jurisdiction of this state by reason of being in distress, or in stress of weather, or touching

ny port of this state on its voyage to any other state, or ign port or place; *provided*, that no Chinese person brought such vessel shall be permitted to land, except in case of absolute necessity, and must depart with the vessel on its leaving ort; and if so permitted to land, such master, purser, or agent shall be liable as in this section provided.

SEC. 3. It is hereby made the duty of all agents of transportation, and ticket agents, in this state, for railroads, stage lines, steamship lines, and vessels of all descriptions, and masters and pursers of the same, when applied to by any Chinese person, or by any other person for the passage of a Chinese person, for a ticket as passenger from one station, town, city, port, or landing in this state, to another station, town, city, port, or landing in this state, or to any other state of the United States, and before selling such ticket, to demand of said person applying permission to see, and shall, before selling a ticket, examine the "certificate of residence" of the applicant, as described in this act, and insert the number of said certificate of residence on said ticket; and should such applicant or Chinese person fail to produce such certificate, then the said agent shall not sell a ticket to or permit said Chinese person to take passage, and said agent, master, or purser shall arrest, or cause to be arrested, the said Chinese person or applicant, and proceed to file a complaint with any justice of the peace or police judge, or court having jurisdiction of the same, as in other cases provided for in this act, or turn over such Chinese person or applicant to some peace officer, whose duty it is to enforce the provisions of this act. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every offense, and may be imprisoned for a term of not more than one year.

SEC. 4. It shall be the duty of all conductors or agents of transportation, who may be authorized to examine tickets and receive fare of Chinese persons upon any railroad, stage line, sail vessel, or steamship plying between points, landings, ports, stations, towns, or cities of this state, or coming into this state from other states of the United States, or any foreign country, to demand at the same time to see and examine the "certificate of residence" described in this act; and should any such Chinese person refuse or fail to produce, on demand, said certificate, conforming in all particulars to the provisions of section (11) eleven of this act, it shall be the duty of said agent, or conductor, master, or purser, to arrest and confine such Chinese person until such time as he shall be able to deliver over such person to some peace officer, or file a complaint against said Chinese person in a court having jurisdiction, as provided for in this act; and should any such agent, ticket agent, conductor, master of vessel, or purser, refuse, or willfully or knowingly neglect to comply with the provisions of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred

duties and may be imprisoned for a term of not more than one year.

Sec. 3. Any person who shall knowingly bring into or cause to be brought into this state by land or otherwise or who shall aid or abet the same or aid or abet the landing in this state, from any [illegible] or otherwise of any Chinese person not lawfully entitled to enter this state, shall be deemed guilty of a felony and shall [illegible] thereof be fined in a sum of not exceeding one thousand dollars and imprisoned in the state prison for a term not exceeding one year and each Chinese person shall be arrested [illegible] as in other cases.

Sec. 4. No Chinese person shall be permitted to enter this state by land or water [illegible] first producing to such officer in this act provided for the examination of Chinese persons a certificate from the government of the country of which he is a resident or of this state, and any Chinese person found guilty of being unlawfully within this state shall be caused to be removed therefrom by judgment of [illegible] unless the defendant shall prove that he is a citizen of some foreign country other than China, then to such country of which he is a citizen. The burden of establishing such proof shall rest upon the defendant in every case where such Chinese person is not lawfully entitled to be in this state. Upon the judgment of the court shall be deportation to the country of which he is a citizen at the cost of said person or his bondsmen, and judgment and fine may be rendered thereon and if [illegible] paid and credited to the Chinese fund and if not paid he shall then be [illegible] to the first term of the district court of the Chinese fund after being brought before such court or some judge of this state, and declared by said judge [illegible] lawfully entitled to be or remain in this state, provided that at other such judgment and finding of said court having jurisdiction said court shall transmit such findings and judgment to the governor, who may request a [illegible] of the [illegible] of the United States or other officer designated by him, and request that such Chinese person shall be removed from the state of [illegible] and beyond the limits of the United States and to designate the person to whom he may order said to bringing such person to this state, and to cause to the government of this state [illegible] expenses incurred in such apprehension and removal, and all peace officers of the several counties of this state [illegible] other persons authorized to make arrests are hereby invested with the same authority as any sheriff or constable.

Sec. 5. Any Chinese person adjudged guilty of being unlawfully within the limits of this state and on conviction thereof shall be punished by being deported from this state to [illegible] for such [illegible] not be a period not less than five hundred dollars nor more than one thousand dollars and deportation from [illegible] such fine not remain unpaid or be imprisoned in the state prison for a term not less than one nor more than five years and [illegible] determination of said imprisonment shall be deported to [illegible] of such country of which he is a citizen, all the expenses of deportation, upon approval of the state board

of examiners, shall be drawn from the Chinese fund provided for in this act, and from no other source, when defrayed by the state.

SEC. 8. In all cases where the judgment of deportation, or fine and deportation, or imprisonment and deportation, shall be rendered by any court trying the same, it shall be the duty of the court to cause to be made a copy of the findings and judgment in the case attaching to the same a well taken photograph of the defendant, and also stating such distinctive facial marks, or noticeable physical marks or features as will at any future time assist in a ready detection and conviction on a second offense, and forward the same to the commissioner of the bureau of labor statistics of this state, for preservation and reference at any future time.

SEC. 9. Within ninety (90) days after the passage of this act, it shall be the duty of the commissioner of the bureau of labor statistics of this state to cause to be published in one daily or weekly newspaper, if any, of general circulation within each county of the state for the period of one month, once each week a notice to all Chinese persons within the state, and also post a like notice in a conspicuous place at such post-offices as he may deem proper, written in the Chinese language, directing and commanding all Chinese persons within this state to appear at the office of the commissioner of the bureau of labor statistics within ninety (90) days from the date of the last publication of such notices, and apply for the certificate of residence provided for in this act.

SEC. 10. It shall be the duty of every county clerk to record, in a book kept for that purpose, and with reasonable dispatch, all certificates of residence issued to Chinese persons who may reside in the county, and keep a full record of all such certificates, for future reference and identification, with the photograph of said Chinese person incorporated therein.

SEC. 11. The form of "certificate of residence" shall be printed on parchment of convenient size and durable quality, leaving a blank space in center of first page of sufficient size, on which shall be printed or pasted a well taken photograph of applicant, including when possible, all facial marks or other features calculated to aid in a ready identification. The printings surrounding the photographs shall be in clear type and contain the name, date of birth, place of birth, and country and citizenship, date of departure from such country, date and year of arrival in the United States, at what port landing, age, sex, post-office address, number of street, town, city, farm, ranch, county, and state at which he may now reside, family name and tribe, complexion, color, height, weight, and occupation; by whom employed, and post-office address of employer; if working on own account, at what employment, giving number of street, town or city, name of farm, ranch, and occupation, and also any particular noticeable facial marks or bodily deformity as may be observed and believed to render ready aid in future identification, and any Chinese person who shall be found within the jurisdiction of this state, unprovided with a certificate of residence of the form above set forth, and bearing

the official signature of the commissioner of the bureau of labor statistics of this state, after the expiration of one year from the date of the passage of this act, then and in such case he shall be deemed and adjudged as unlawfully within the limits of this state, and subject to punishment as provided for in this act.

SEC. 12. The county clerk shall cause to be affixed to the "certificate of residence" of every Chinese person presenting the same for record, his official signature and seal and the date of record.

SEC. 13. It shall be the duty of all Chinese persons within the limits of this state at the date of the passage of this act, within one year after the passage of this act to apply for a "certificate of residence" to the commissioner of the bureau of labor statistics, and on obtaining the same to present to and have recorded by the county clerk of the county of residence of such Chinese person his "certificate of residence" as hereinbefore provided, and any Chinese person within the limits of this state who shall fail or refuse to comply with the provisions of this act shall be adjudged by the court before whom he may be tried as being unlawfully within the limits of this state, and subject to the same fines and penalties as in other cases provided for in this act.

SEC. 14. Immediately after the passage of this act, the secretary of state shall cause to be printed by the state printer and sent to the clerks of the several counties throughout this state the necessary blank record books, certificate blank certificates, provided for herein, in such form as prescribed by this act and the commissioner of the bureau of labor statistics.

SEC. 15. Each Chinese person who shall apply to the commissioner of the bureau of labor statistics for a certificate as required herein shall pay to the said commissioner of the bureau of labor statistics, to be paid into the state treasury, and credited to the "Chinese fund," the sum of five dollars, which sum, together with cost of photographs and recording and fee of deputy issuing the certificate of residence, shall be the only compensation allowed for registering and issuing certificates to Chinese persons as herein provided: *and provided*, that the applicant shall pay for or furnish the photograph set forth in section (11) eleven of this act, necessary to the commissioner of the bureau of labor statistics.

SEC. 16. Immediately after the passage of this act, the secretary of state shall cause to be printed by the state printer, on parchment, and of the size adopted by the commissioner of the bureau of labor statistics, blank copies of the "certificate of residence" referred to in this act, in sufficient quantities to supply the requirements of the commissioner of the bureau of labor statistics in carrying out this act.

SEC. 17. The controller of this state shall open a set of books of account, known as the "Chinese fund account," in books to be provided by the secretary of state, in which shall be entered all moneys received under this act, the date received, and name of persons paying the same, and for what purpose such money was received, upon itemized statements, rendered on

the last day of each month by the commissioner of the bureau of labor statistics, on blank forms furnished by the state for such purpose, and thereupon the commissioner of the bureau of labor statistics shall pay such moneys into the state treasury to the credit of said Chinese fund.

SEC. 18. The fees collected under the provisions of this act shall be known and set apart by the treasurer of state as the "Chinese fund," and shall be held and drawn upon solely to defray the expenses incidental to the execution of this act.

SEC. 19. The governor of this state is authorized and required, at the expiration of one year from the passage of this act, to offer a reward of twenty five ($25) dollars to any person or persons, as informants, who shall produce the necessary testimony for the conviction of any Chinese person of a violation of this act: *provided* that the same shall be paid from the fund collected under the provisions of this act and known as the 'Chinese fund,' and from no other moneys belonging to the state: *provided* that no such reward shall be allowed when such Chinese persons are deported for violation of other laws of this state or municipal ordinances.

SEC. 20. Whenever any peace officer of this state, or of any county or municipality of the same, shall have good reason to believe that any Chinese person has neglected to provide himself or herself with a certificate of residence provided for in this act, he shall demand of said person permission to see and examine said certificate, and, on failure or refusal of such said person to produce the same, he shall at once report the facts, on oath to the nearest justice of the peace, or police judge, or judge of any superior court, who shall, if in his judgment good cause is shown, issue his warrant for the arrest of said Chinese person, and proceed to examine or try the defendant upon said charge.

SEC. 21. Whenever it shall appear to any court having jurisdiction of any case under this act, that, upon the last entry, the defendant has failed to provide himself or herself with the certificate as set forth in this act, for cause, or from reasonable circumstances over which he or she had no control, then and in such cases the judgment of the court shall be that such Chinese person shall pay all costs of such investigation and at that time, without delay, proceed to register and procure a certificate as provided for in this act: *and provided further*, that should the defendant fail, or demur to the court to comply with the judgment of the same, under the provisions of this act, then and in such cases the penalty shall be the same as provided for in other cases, and the award to the informant shall be the same as in other cases: *provided* that when sufficient excuse is shown for not having registered and such registration is made, no penalty shall be inflicted except the payment of costs.

SEC. 22. Any person whose race or nationality precludes him from being naturalized under the laws of the United States, or under the laws of this state, found guilty of a violation of any law of this state, or of any ordinance of a municipality of this state, other than a capital offense, shall be deemed and ad-

judged as having forfeited all right and privilege to remain within the state, and it shall be the duty of the court trying the cause to pass sentence of deportation as in other cases provided for in this act, to be executed after he shall have satisfied the penalty of fine and imprisonment, or either, for violation of such law of the state or ordinance of any municipality of the same, *provided*, that the court trying said cause may, in its discretion, pass such sentence of deportation in the first instance as the only penalty.

SEC. 21. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein registered, or forge such certificate or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present the same, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the state penitentiary for a term of not more than five years.

SEC. 24. For the purpose of carrying out the provisions of this act, it is hereby provided,

Subdivision 1. That the commissioner of the bureau of labor statistics shall have for his services to be rendered in carrying out this act the sum of two thousand ($2,000) dollars per annum payable out of the Chinese fund in this act created and provided for.

Subdivision 2. The commissioner of the bureau of labor statistics may, with the concurrence and consent of the governor, appoint such deputies as may be deemed by them necessary to carry out the provisions of this act, and that such deputies shall receive such compensation as may be fixed by the state board of examiners, not to exceed the sum of one dollar for each certificate issued, in full compensation for their services as such deputies, to be charged to the Chinese fund herein before specified.

Subdivision 3. All claims arising out of and incident in carrying out the provisions of this act shall be presented the same as other claims against the state, and audited and passed on by the state board of examiners, and paid on warrants drawn by the controller upon the Chinese fund.

SEC. 25. This act shall take effect from and after its passage.

COLUMBIAN EXPOSITION.

An act appropriating money to pay the expenses of maintaining an exhibit of the products of the state of California at the world's Columbian exposition, to be held in Chicago in eighteen hundred and ninety-three, and to provide for commissioners thereof.

[Approved March 6, 1891. Stats. 1891, p. 21.]

SECTION 1. It is made the duty of the governor of the state of California, within thirty days after the passage of this act, to appoint seven commissioners, at least one from each of the congressional districts of the state, who shall constitute the

"California world's fair commission," which commissioners shall be taken as near as may be from the two leading political parties of the state of California. Said California world's fair commission shall have the exclusive charge and control of the expenditure of all moneys appropriated by the state of California for the construction of buildings and maintaining an exhibit of the products of the state of California, and for the purpose of properly representing the state of California at the world's fair Columbian exposition to be held in the city of Chicago, state of Illinois, in eighteen hundred and ninety-three. Each of said commissioners shall execute and file with the secretary of state within thirty days after his appointment by the governor, a good and sufficient bond in the sum of twenty thousand dollars, made to the people of the state of California, which bond must be approved by the governor. Said bond shall be conditioned for the faithful performance by said commissioner of all the duties enjoined upon him by this act.

SEC. 2. Said commissioners shall receive no compensation for their services, but they shall be allowed their actual traveling expenses, not exceeding two thousand dollars each.

SEC. 3. The sum of three hundred thousand dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to meet the expenses of erecting buildings and collecting and maintaining an exhibit of the products of the state of California at the world's Columbian exposition to be held in Chicago in eighteen hundred and ninety-three, one half to be expended in the forty-third fiscal year and one half to be expended during the forty-fourth fiscal year, and the controller is hereby directed to draw his warrant on the general fund from time to time for such proportion of said sum of three hundred thousand dollars, and in favor of such persons as the majority of said commissioners herein above referred to shall direct, and the state treasurer is hereby empowered and directed to pay the same.

SEC. 4. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

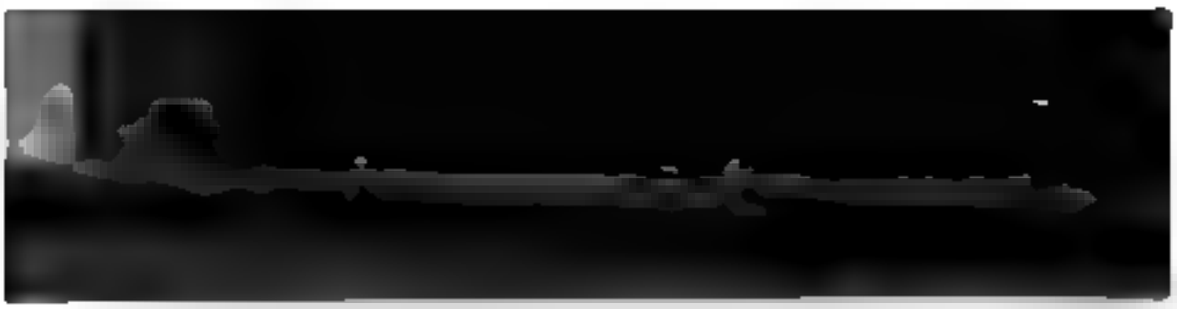
SEC. 5. This act shall take effect and be in force from and after its passage.

An act to provide for the preparation, printing and distribution of a volume expository of the resources of California, at the world's Columbian exposition at Chicago, and appropriating money therefor.

[Approved March 11, 1893. Stats. 1893, p. 143.]

SECTION 1. The governor of the state of California is hereby authorized and empowered to prepare or have prepared, a volume expository of the resources of the state of California, for the purpose of distribution at the world's Columbian exposition at Chicago.

SEC. 2. Said volume shall be printed by the superintendent of state printing, at the state printing-office, under the direction of the governor of the state.



SEC. 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000), for the purpose of carrying out the provisions of this act, twenty-four thousand dollars of which shall be devoted to the furnishing material and printing the same

SEC. 4. The state controller is hereby directed and authorized to draw his warrant for said sum of money on the demand of the governor

SEC. 5. This act shall take effect and be in force from and after its passage

An act appropriating money to pay the expense of transporting, insuring, and installing of a California exhibit in the woman's building of the world's Columbian exposition.

[Approved March 11, 1893 Stats. 1893, p. 148.]

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred dollars, to defray the expense of transporting, insuring, and installing articles comprising the exhibit known as the "California reception room, in the woman's building of the world's Columbian exposition at Chicago

SEC. 2. The controller is hereby directed to draw his warrant for the sum herein made payable, in favor of such person or persons as a majority of the members of the California world's fair commission shall direct, and the state treasurer shall pay the same.

SEC. 3. This act shall take effect immediately.

COYOTE SCALPS.

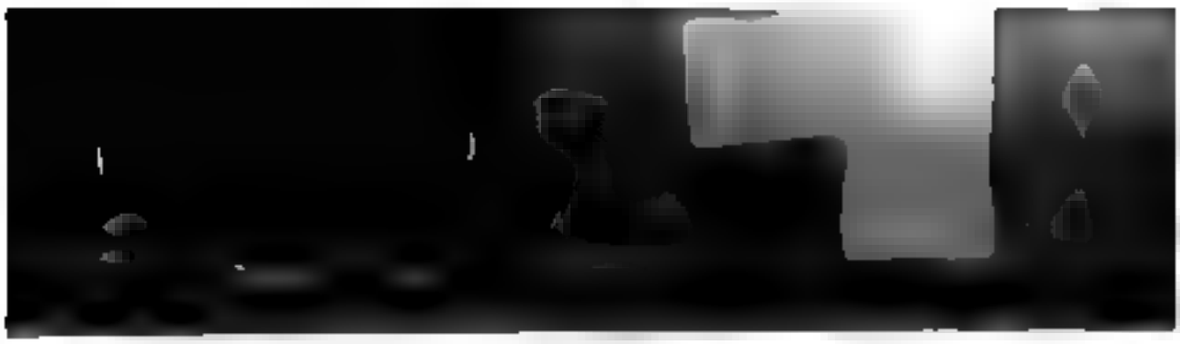
An act fixing a bounty on coyote scalps.

[Approved March 21, 1891; Stats. 1891, p. 230.]

SECTION 1. Any person who shall kill and destroy any coyote or coyotes, in any county of this state, after the passage of this act, shall be paid a bounty of five dollars, out of the general fund in the state treasury, for each coyote so destroyed.

SEC. 2. Any person who may kill and destroy a coyote as provided in the last section may go before any person authorized to administer oaths, and present the scalp, containing the ears and nose of the coyote destroyed, to such officer, and make and subscribe to an affidavit showing the time and place that such animal was killed which scalp and affidavit may be deposited with the clerk of the board of supervisors of the county in which such coyote was killed

SEC. 3. The board of supervisors of each county of the state shall, quarterly, determine the number of scalps deposited with the clerk of such board during the preceding quarter, and by whom and shall give to each person who may have deposited scalps a certificate certified by its clerk, showing the number of scalps deposited by such person and the sum due him at the rate of five dollars for each scalp. Such certificate may be presented to the controller of state, who may draw his warrant



on the general fund in the state treasury for the sum named therein, in favor of the person entitled thereto.

SEC. 4. When the certificate named in the last section is directed to be drawn, the board of supervisors shall, at the same time, cause the scalps to be destroyed by fire.

SEC. 5. No bounty shall be paid for any scalp unless presented within three months after the coyote is killed.

DENTISTRY.

An act to amend an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the state of California," approved March 18, 1885.

[Approved March 3, 1893. Stats. 1893, p. 70.]

SECTION 1. Section six of said act is hereby amended so as to read as follows —

Section 6. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than two hundred dollars, or confined in the county jail six months for each and every offense. All fines recovered and collected under this act shall be distributed, one half to the informer, and the other half be paid into the common school fund of the county in which the conviction takes place.

SEC. 2. This act shall take effect immediately

DRAINAGE.

An act to abolish the State drainage construction fund, and directing the transfer of any balance remaining therein to the general fund.

[Approved March 1, 1893; Stats. 1893, p. 64.]

SECTION 1. The fund known as the state drainage construction fund is hereby abolished

SEC. 2. Upon the passage of this act the state controller is hereby authorized and directed to transfer to the general fund any balance remaining to the credit of the state drainage construction fund, and the state treasurer shall thereupon make a corresponding transfer upon the books of his office.

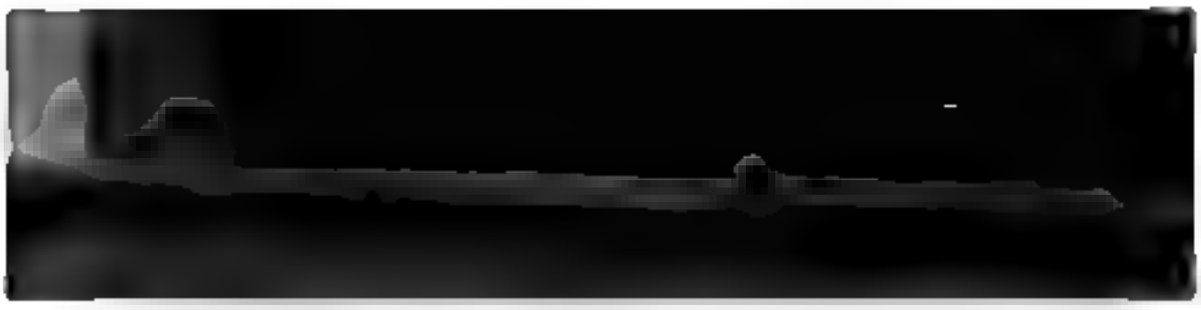
SEC. 3. This act shall take effect from and after its passage.

EDUCATION.

An act expressing assent of the state of California to the act of congress, approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of congress, approved July second, eighteen hundred and sixty-two," and to the purposes of the grants of moneys authorized thereby, and to all the provisions thereof

[Approved March 31, 1891; Stats. 1891, p. 435.]

SECTION 1. The state of California hereby assents to the purposes of the grants of moneys authorized by the act of con-



gress, approved August thirtieth, eighteen hundred and ninety, and to all the provisions thereof, of which are the following is a copy:—

An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress, approved July second, eighteen hundred and sixty-two.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That there shall be and hereby is annually appropriated out of any money in the treasury not otherwise appropriated, arising from the sales of public lands to be paid as hereinafter provided, to each state and territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established or which may be hereafter established in accordance with an act of congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years, by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each state and territory shall be twenty-five thousand dollars to be applied only to the endowment, support and the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their application in the industries of life and to the facilities for such instruction: provided that no money shall be paid under this act to any state or territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in each state or territory be equitably divided as hereinafter set forth: provided, that in any state in which there has been one college established in pursuance of the act of congress aforesaid, approved July second, eighteen hundred and sixty-two, and in which an institution for colored students has been established in pursuance of the act of congress aforesaid, approved July second, eighteen hundred and sixty-two, and is now in existence and in which the whole of the moneys derived from the sale of lands aforesaid have been appropriated, received and expended, and in which there shall hereafter be no further appropriation of such moneys by state legislation or action, and in which one institution shall have received, previous to the passage of this act, any portion of the moneys arising from the sale of lands aforesaid, and which institution for colored students shall have been designated as the one to receive the benefits of this act and subject to the provisions as hereinafter contained, then in such state the trustees of any college or university which was in existence prior to the passage of this act, and which has been or may thereafter be established as a branch of the state university, and which branch embraces the leading department of such university, viz., agriculture, the mechanic arts, the English language and mathematics, mental, physical and natural philosophy, chemistry, and the natural and economic sciences, with special reference to their application to the industries of life, and which has connected therewith a department for the theoretical and practical education of persons in the art of war, pursuant to the act of congress aforesaid, approved July second, eighteen hundred and sixty-two, shall be entitled to receive, and the said state shall be entitled to receive, the share of the proceeds of the sale of lands aforesaid, appropriated by this act, which would be paid to the state if there were a separate college for the benefit of agriculture and the mechanic arts established in such state: provided, that in states where such branches of the university have been established for more than one year, but have not been liberally endowed, the trustees of the university may, with the assent of the legislature of the state, transfer to the college for colored students such portion of the proceeds of the sale of lands aforesaid as will be just and equitable, taking into consideration the number of colored students and the amount received from tuition fees or otherwise paid by the students of each race in the university for the year preceding such transfer; and thereafter a just and equitable proportion of the interest upon moneys arising from the sale of lands aforesaid, accruing during the pupilage of students in the university, shall be annually paid over to the said college for colored students: provided, that no portion of said moneys shall be paid, directly or indirectly, for the purchase, erection, preservation or repair of any building or buildings: provided, that all moneys received from the sale of lands aforesaid by any state or territory prior to the passage of this act shall be faithfully applied in accordance with the conditions of this act, and a detailed report of the same, and of the manner of application, shall be rendered to congress annually by each state or territory: provided, that not more than ten per centum of the moneys received from the sale of lands aforesaid by any state or territory may be applied to the purchase of lands for sites or experimental farms, whether the same be contiguous or not to any of the colleges established or to be established in accordance with the provisions of this act: and provided further, that no portion of said moneys shall be applied, directly or indirectly, to the support of any school or department of instruction wherein the natural sciences and kindred branches are not taught as fully and practically as they are taught in the leading colleges or universities of the state or territory: and provided further, that any state may use a portion of this fund for the purchase of agricultural lands for the benefit of the agricultural department of the university, but no state shall use any portion of the funds derived from the sale of lands aforesaid for the erection of buildings.

Sec. 2. That the grants of land prescribed by this act shall inure to the several states and territories which may assent to the same, for the purposes named in this act, from and after the passage of an act or resolution by the legislature of the state or territory assenting to the provisions of this act.

Sec. 3. That if any portion of the moneys received by the states or territories for the purposes of agricultural colleges, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the state to which it belongs, and until restored the state shall not be entitled to receive any interest on account of said moneys.

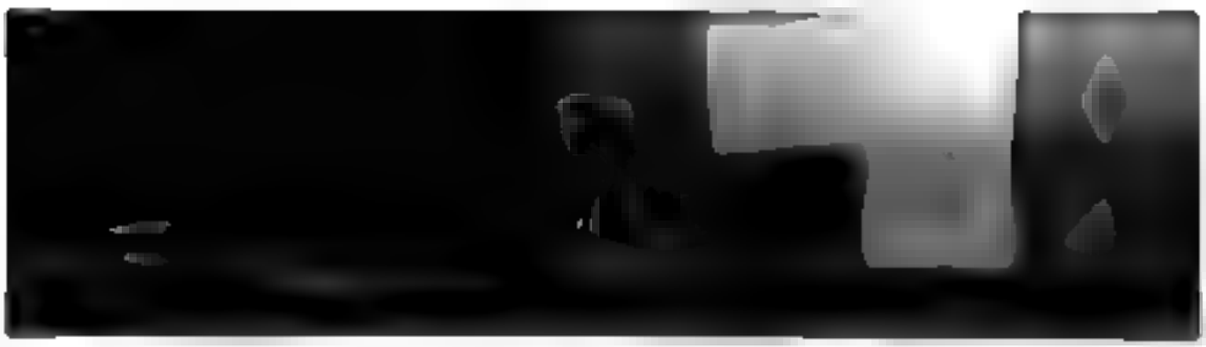
Sec. 4. That the governor of each state and territory shall annually ascertain whether the moneys received from the sale of lands aforesaid have been faithfully applied, without diminution, to the purposes prescribed in this act, and whether any moneys have been lost or misapplied, and if so, the amount thereof, and he shall report the same to congress, and the secretary of the interior shall withhold the grant of land aforesaid to any state or territory which fails to make the report and keep up the college required by this act.

Sec. 5. That the secretary of the interior shall, on the first day of January, eighteen hundred and ninety-one, and annually thereafter, report to congress the progress made by each state and territory in the application of moneys received from the sale of lands aforesaid, and the manner of application, with such details of information as he may deem necessary.

Sec. 6. That the legislatures of the states and territories to which grants of land are offered by this act are hereby authorized to accept or reject the same within two years after the passage of this act.

Sec. 7. That the act of congress approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby repealed.

Approved, August 30, 1890.



two and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

Sec. 3. That the sums hereby appropriated to the states and territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year by the secretary of the treasury upon the warrant of the secretary of the interior, out of the treasury of the United States, to the state or territorial treasurer or to such officer as shall be designated by the laws of each state or territory to receive the same, which officer shall give the bond required by the act of the trustees of the colleges of the institutions for colored students, immediately on receiving said grant, to the treasurer of the respective state or territory, with such additional security as may be required by the secretary of agriculture and to the secretary of the interior, on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several states and territories to the purposes of said grants: provided that payments of such installments of the appropriations herein made as shall become due to any state before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the secretary of the treasury.

Sec. 4. That if any portion of the moneys received by the designated officer of the state or territory for the further and more complete endowment, support and maintenance of colleges or of normal departments for the instruction of teachers of public schools as aforesaid, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by the state or territory to which it belongs, and until restored no subsequent appropriation shall be apportioned or paid to such state or territory, and no portion of said moneys shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the secretaries of agriculture and of the interior, regarding the receipts and expenditures of such college, the actual number of students, their sex, and the branches of study pursued by them, and such other information in relation to the same as may be required by the secretaries of agriculture and of the interior; and in the report made by the secretary of agriculture, he shall state the whole number of colleges in the several states and territories entitled to the benefits of this act, the amount received by each, and the amount expended by each during the previous year for the purposes prescribed by this act, and such portion of the report as relates to the colleges for colored students shall be submitted to the secretary of the interior, who shall make report to congress.

Sec. 5. That the grants of land and moneys authorized by this act shall not inure to the benefit of any college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be sufficient compliance therewith.

Sec. 6. That no portion of said moneys shall be paid to any state or territory for the support of any college during which a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be sufficient compliance therewith.

Sec. 7. That the legislature of any state or territory may assent to the provisions of this act in accordance with its provisions, by express vote of said legislature, or by the action therein of any officer or board charged with the duty of receiving moneys and disbursing the same for the use of a college.

Sec. 8. That the fifty per centum of the moneys received from the sales of lands hereby appropriated to the several states and territories for the use of agricultural colleges, or any portion thereof, may be invested by the several states and territories having colleges, as aforesaid, at their discretion, upon safe stocks of the states or territories, or of the United States, or otherwise, as the legislatures may respectively direct, and the interest accruing on such investments shall be applied to the uses and purposes prescribed in this act.

Sec. 9. That if any college shall fail to report annually to the secretaries of agriculture and of the interior, for the space of two consecutive years, the full and exact information required of it by the provisions of this act, the secretary of the interior shall withhold the grant to the state or territory in which such college is located, until the delinquency is remedied.

Sec. 10. That on or before the first day of July in each year after the passage of this act the secretary of the interior shall ascertain and certify to the secretary of the treasury as to each state and territory, whether it is entitled to receive its share of the annual appropriation for colleges, or of institu-

tions for colored students, under this act, and the amount which thereupon each is entitled respectively to receive. If the secretary of the interior shall withhold a certificate from any state or territory of its appropriation, the facts and reasons therefor shall be reported to the president, and the amount involved shall be kept separate in the treasury until the close of the next congress, in order that the state or territory may if it should so desire, appeal to congress from the determination of the secretary of the interior. If the next congress shall not direct such sum to be paid, it shall be covered into the treasury. And the secretary of the interior is hereby charged with the proper administration of this law.

Section 5. That the secretary of the interior shall annually report to congress the disbursements which have been made in all the states and territories, and also whether the appropriation of any state or territory has been withheld, and if so, the reasons therefor.

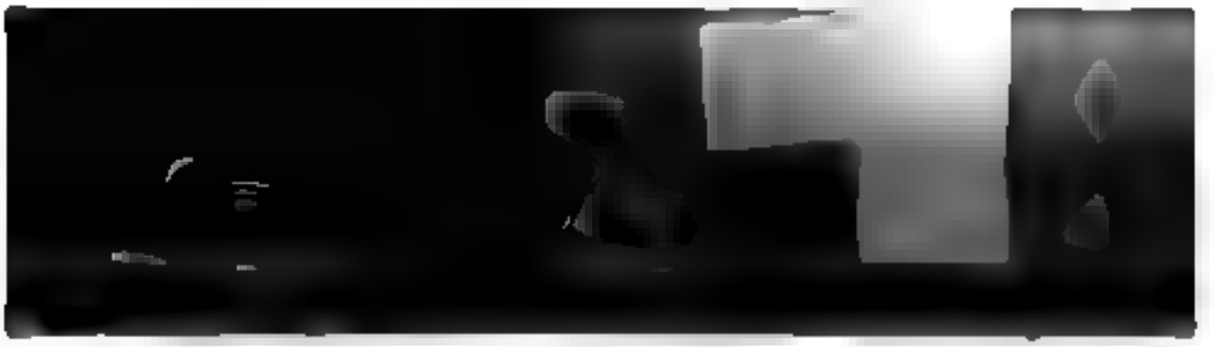
Section 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

An act to amend section two of an act entitled "An act to advance learning the arts and sciences and to promote the public welfare by providing for the conveyance holding and protection of property and the creation of trusts for the founding endowment erection and maintenance within this state of universities colleges schools seminaries of learning mechanical institutes museums and galleries of art," approved March 9 1885. Amended so as to read as follows:

[Approved March 31, 1891. Stats. 1891, p. 454.]

Section 1. Section two of an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance holding, and protection of property and the creation of trusts for the founding, endowment erection and maintenance, within this state, of universities colleges, schools, seminaries of learning, mechanical institutes museums and galleries of art, approved March ninth eighteen hundred and eighty five, is hereby amended as follows:

Section 2. Any person desiring in his lifetime to promote the public welfare by founding endowing, and maintaining within this state a university college school seminary of learning, mechanical institute museum botanic garden, public park or gallery of art or any or all thereof may, to the end and for such purpose by grant in writing convey to a trustee, or any number of trustees named in such grant (and to their successors), any property, real or personal belonging to such person and situated or being within this state: provided, that if such person be married, and the property be community property, then both husband and wife must join in such grant.



FEATHER RIVER.

An act to declare the bridge across Feather River, extending from Fifth Street, at the city of Marysville in the county of Yuba, to the opposite bank of the said river, a free bridge

[Approved March 31, 1891, Stats. 1891, p. 205.]

SECTION 1. The bridge extending across Feather River from Fifth Street, at the city of Marysville, in the county of Yuba, to the opposite bank of said river, and constructed by the county of Sutter, in pursuance of an act of the legislature of this state entitled "An act to authorize the board of supervisors of Sutter County to construct a bridge across Feather River," approved April eleventh, eighteen hundred and fifty-nine, and the various acts amendatory thereof and supplemental thereto, is hereby declared to be free for all crossings of persons and property, and no tolls shall hereafter be collected or received for the crossing of said bridge.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

FEEBLE-MINDED CHILDREN.

An act to provide for the erection of an additional wing to the main building of the California home for the care and training of feeble-minded children, at Glen Ellen, Sonoma County, California, for the female department of said institution, to furnish the same and to improve the grounds, and to appropriate money therefor.

[Approved February 27, 1889, Stats. 1889, p. 36.]

SECTION 1. The sum of ninety-eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the erection of an additional wing to the main building of the California home for the care and training of feeble-minded children, at Glen Ellen, Sonoma County, California, for the female department of said institution, and to furnish the same, and to improve the grounds; one half of the said appropriation to be expended in the forty-fifth fiscal year and one half to be expended during the forty-sixth fiscal year.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of trustees of the California home for the care and training of feeble-minded children for the money herein appropriated, and the state treasurer is directed to pay said warrants.

SEC. 3. This act shall take effect immediately.

An act to authorize and direct the sale of the site and buildings of the California home for the care and training of feeble-minded children, in Santa Clara County

[Approved March 19, 1891. Stats. 1891, p. 138.]

SECTION 1. The board of trustees of the California home for the care and training of feeble-minded children are authorized

and directed upon the removal of the inmates of said institution to the [illegible] at Glen Ellen, in Sonoma County, to sell the site and buildings of said institution in Santa Clara County [illegible] that said property shall not be sold until the [illegible] shall give his written approval of the price. [illegible] for cash to the highest bidder, after [illegible] for a period of thirty days. Said advertisement to appear in one daily paper in San Francisco and one daily paper in San Jose, and [illegible] or deeds shall be signed by the president of said board of trustees. The money derived from the sale of said property shall be paid into the state treasury through the controller of state, and shall be credited to the general fund.

An act to provide for the erection of additional buildings for the California home for the care and training of feeble-minded children, to complete buildings now being erected, and to appropriate money therefor.

[Approved April 6, 1891; Stats. 1891, p. 485.]

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to be expended for the erection of additional buildings, and to complete buildings now being erected for the California home for the care and training of feeble-minded children, at Glen Ellen, Sonoma County, in this state, one half of the said appropriation to be expended in the forty-third fiscal year, and one half to be expended during the forty-fourth fiscal year.

SEC. 2. The sum of one hundred and nine thousand six hundred and eighty-two dollars of the money herein appropriated shall be expended for the erection of a wing to the main building of said institution, to be known as the "boys' wing." The sum of five thousand two hundred and fifty dollars of the money herein appropriated shall be expended for the erection of an engine-house for said institution. The sum of five thousand nine hundred and seventy-three dollars of the money herein appropriated shall be expended for the heaters and radiators for the hot-water heating of the building to be known as the "boys' wing." The sum of three thousand one hundred and fifty dollars of the money herein appropriated shall be expended for the heaters and radiators for the hot-water heating of the kitchen and dining-room building. The sum of nine hundred and forty-five dollars of the money herein appropriated shall be expended for the gas fixtures for the kitchen and dining-room building, laundry and bakery building, and the epileptic building.

SEC. 3. The state controller is hereby authorized and directed to draw his warrants in favor of the board of trustees of the California home for the care and training of feeble-minded children for the money herein appropriated, and the treasurer is directed to pay said warrants.

SEC. 4. This act shall take effect immediately.

FISH COMMISSIONERS.

An act to authorize the board of fish commissioners of this state to purchase the land on which the state fish hatcheries at Mason are now situated, and appropriating money therefor.

[Approved March 31, 1891, Stats. 1891, p. 228.]

SECTION 1. The board of fish commissioners of this state are hereby authorized and empowered to purchase, out of the fund for the support and maintenance of the state hatcheries, the land on which the state fish hatcheries at Mason are now situated, at a sum not to exceed five hundred dollars.

SEC. 2. The sum of five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose mentioned in the preceding section.

SEC. 3. This act shall take effect from and after its passage.

FORESTRY.

An act to repeal an act entitled "An act to create a state board of forestry, and to provide for the expenses thereof," approved March 3, 1885, and the act amendatory thereof, approved March 7, 1887, and to make an appropriation for the maintenance and preservation of the property of the board of forestry.

[Approved March 23, 1893, Stats. 1893, p. 229.]

SECTION 1. An act entitled "An act to create a state board of forestry, and to provide for the expenses thereof," approved March third, eighteen hundred and eighty-five, is hereby repealed.

SEC. 2. All the real and personal property of the said board on or before the first day of July, eighteen hundred and ninety-three, shall be assigned, made over, and transferred to the agricultural department of the university of California.

SEC. 3. There is hereby appropriated the sum of four thousand dollars out of any money in the state treasury not otherwise appropriated payable to the agricultural department of the university of California, for the support, maintenance, and preservation of the experimental stations of the state board of forestry, and the controller is hereby directed to draw his warrant for the same.

SEC. 4. This act shall take effect from and after July first, eighteen hundred and ninety-three.

HOPS.

An act fixing the rate of tare on baled hops.

[Approved March 31, 1891. Stats. 1891, p. 412.]

SECTION 1. There shall be allowed on baled hops a tare at the rate of two per centum of the weight of the bale for the cloth and other material used in baling; that is, the tare shall be at the rate of two pounds per hundred on the weight of the bale.

SEC. 2. This act shall take effect and be in force from and after its passage.

HORTICULTURE.

An act amendatory of an act entitled "An act to amend an act entitled 'An act to protect and promote the horticultural interests of the state,' approved March 14, 1881," approved March 19, 1889.

[Approved March 31, 1891; Stats. 1891, p. 268.]

SECTION 1. Section two of said act is hereby amended so as to read as follows:

SECTION 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit packing house, storeroom, salesroom, or any other place or articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees or vines, or with their eggs or larvæ, they shall notify the owner or owners, or person or persons in charge or in possession of the said places, or orchards or nurseries, or trees or plants, vegetables, vines, or fruit, or articles, as aforesaid, that the same are infested with said insects, or other pests, or any of them, or their eggs or larvæ, and they shall require such person or persons to eradicate or destroy the said insects or other pests, or their eggs or larvæ, within a certain time to be specified. Said notices may be served upon the person or persons or either of them owning, or having charge, or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, are hereby adjudged and declared to be a public nuisance, and whenever any such nuisance shall exist at any place within their jurisdiction or on the property of any non-resident, or of any property the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated, by eradicating or destroying said insects or other pests, or their eggs or larvæ. The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so placed shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this act, and may be recovered by an action against such property and premises; which action to foreclose all such liens shall be brought in the proper court by the district attorney of the county, in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the

proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained. The county board of horticultural commissioners is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act to amend an act entitled "An act to amend an act entitled 'An act to protect and promote the horticultural interests of the state,'" approved March 19, 1889.

[Approved March 31, 1891; Stats. 1891, p. 260.]

SECTION 1. Said act is hereby amended by adding a new section thereto, to be known as section twelve, and to read as follows, viz.: —

Section 12. When a petition is presented to the board of supervisors of any county, as required by section one of said act, the said board of supervisors may appoint a commission, to consist of any number less than three members, at a compensation each of not less than four dollars, and if but one member, five dollars for each day actually engaged in the performance of his duties under this act; and all the provisions prescribing the duties of and conferring powers upon the county board of horticultural commissioners contained in said act shall apply to the commission appointed under this section.

SEC. 2. This act shall take effect from and after its passage.

INSURANCE.

An act relative to the non-insurance of property belonging to the state against risk of damage or destruction by fire.

[Approved March 10, 1891; Stats. 1891, p. 70.]

SECTION 1. No property belonging to this state shall hereafter be insured against risk of damage or destruction by fire, and no policy of fire insurance now existing upon any property belonging to this state shall be renewed at the expiration thereof, except the state printing-office and its contents.

SEC. 2. This act shall take effect immediately

JAPANESE GOVERNMENT.

An act making an appropriation for reimbursing the Japanese Government for moneys expended in the extradition of Calvin Pratt, a fugitive from the justice of this state, and to provide for transmitting the same to Japan.

[Approved March 31, 1891; Stats. 1891, p. 222.]

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to reimburse his Imperial Japanese Majesty's government the sum of nine hundred and twenty dollars and twenty cents, expended in the extradition of one Calvin Pratt,

a fugitive from the justice of this state, and to pay the expenses of transmitting the money to the treasury department of Japan

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of his Imperial Japanese Majesty's Government for the sum of nine hundred and twenty dollars and twenty cents, and deliver the same to any authorized agent of said government, who, after transmitting the same to the treasury department of Japan shall certify to the state board of examiners the amount of expenses incurred by him in such transmission, and upon approval of such statement by the board the controller shall draw his warrant in favor of such agent for the sum approved by the board of examiners, out of the appropriation herein provided, and the state treasurer is hereby directed to pay these warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

JUTE GOODS.

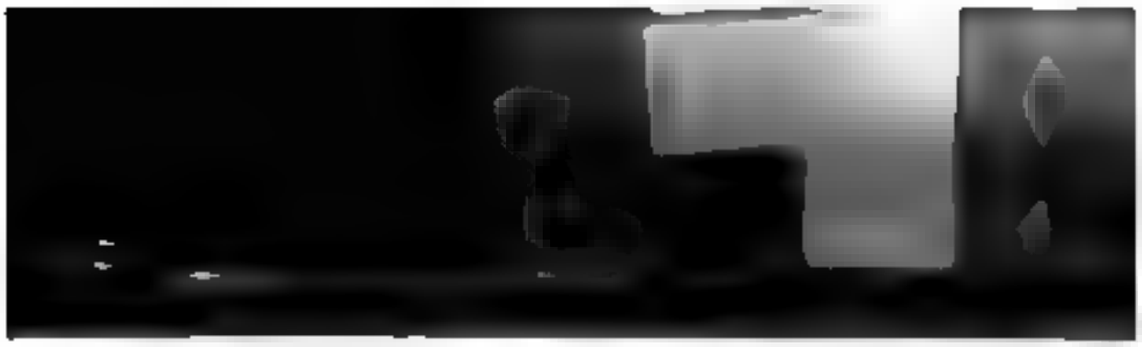
An act fixing the price and conditions of sale at which jute goods shall be sold by the state.

Approved February 27, 1893 Stats. 1893, p. 54.]

SECTION 1. It shall be the duty of the state board of prison directors, from time to time, to fix the price, and to give public notice of the same, at which jute goods shall be sold by the state, but at no time shall the price fixed be more than one cent per bag in excess of the fair cost of producing the same, exclusive of prison labor and it is made the duty of state prison authorities to confine the sale of jute goods to consumers direct, but no order shall be filled for any one individual or firm, during any one year, for more than five thousand grain bags, except on request of the warden and the unanimous approval of the state board of prison directors.

SEC. 2. Demands for jute goods by consumers shall be promptly filled in the order in which they are made, but when the supply is short, demands shall be registered at the prison in the order of their arrival, and filled from the output of the jute mill in the order of registration, *provided*, that on and after the fifteenth days of June of each year, by and with the consent of a majority of the board of prison directors, the warden may fill orders for larger quantities to actual consumers, as they may, in their judgment, deem expedient, *provided*, that orders of farmers shall take precedence over all others, *provided further*, that ten per cent of the purchase price shall accompany each order, and the remaining portion must be paid upon delivery of the goods

SEC. 3. All orders for jute goods must be accompanied by an affidavit setting forth that the amount of goods contained in the order are for individual and personal use of the applicant, said affidavit to be subscribed and sworn to before some notary public, or by a justice of the peace, residing in the township in which the applicant resides *provided*, that any applicant, as heretofore provided for, who falsely and fraudulently procures



into goods under the provisions of this act, shall be guilty of a misdemeanor.

SEC. 4. This act shall take effect immediately.

KLAMATH RIVER.

An act to repeal an act entitled "An act to declare the Klamath River navigable."

[Approved February 24, 1891. Stats. 1891, p. 38.]

SECTION 1. An act entitled "An act to declare the Klamath River navigable," approved April twenty-third, eighteen hundred and eighty, is hereby repealed.

SEC. 2. This act shall take effect immediately.

LAW LIBRARIES.

An act to establish law libraries.

[Approved March 31, 1891. Stats. 1891, p. 430.]

SECTION 1. On the commencement in or removal to the superior court of any county in this state of any civil action, proceeding, or appeal, on filing the first papers therein, the party instituting such proceeding or filing the said first papers shall pay to the clerk of said court the sum of one dollar as costs for a fund which shall be designated as the "law library fund," to be expended in the purchase of law-books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled and said fund be expended by the board of trustees hereinafter provided.

SEC. 2. All moneys collected as hereinbefore provided shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "law library fund," and shall be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized.

SEC. 3. Any law library established under the provisions of this act shall be governed and managed by the "board of law library trustees" hereinafter provided.

SEC. 4. There shall be in every county of this state a board of law library trustees, consisting of five members, to be constituted as follows: In every county where there are only three superior judges, the said judges shall be ex officio such library trustees, the president of the board of supervisors shall be ex officio such a trustee, and the board of supervisors shall appoint a member of the bar of the county to act as such trustee, such appointment shall be made at the first meeting of the board of supervisors after this act is approved, and the appointee shall serve until the first meeting of the board of supervisors in the succeeding January; and the said board shall, at any such meeting in each succeeding January, appoint such a trustee to serve for the term of one year. In every county where there are more than three superior judges, the judges of such county shall elect three of their number to serve as such trustees, and otherwise said board shall be as above

provided. In all counties where there are less than three superior judges the board shall be constituted as above provided, save that the board of supervisors shall appoint sufficient members of the bar to make up the requisite number of trustees.

SEC. 4. The office of trustee shall be honorary, without salary or other compensation.

SEC. 5. Such board of trustees by a majority vote of all their members to be recorded in the minutes, with the ayes and noes at length, shall have power, —

First. To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second. To remove any trustees who may neglect to attend the meetings of the board of trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the board.

Third. To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fourth. To purchase books, journals, publications, and other personal property.

Fifth. To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally to do all that may be necessary to carry into effect the provisions of this act.

Sixth. To fix the salaries of the librarian, secretary, and other subordinate officers and assistants.

Seventh. To contract with any existing law library association to make use of its library for the purposes of a public law library, under proper rules and regulations to be prescribed by the board of trustees, either by lease or such other contract as may best carry the purposes of this act into effect.

SEC. 7. The orders and demands of the trustees of any such public law library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such county out of the library fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

SEC. 8. The said board of trustees, on or before the first Monday in December of each year, shall make an annual report to the board of supervisors of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

SEC. 9. The board of supervisors of any such county shall provide a library-room for the use of such library whenever such room may be demanded by such board of trustees.

SEC. 10. The said board of trustees shall meet the first Tuesday of each month, and at such other times as they may appoint at a place to be appointed for that purpose, and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number as president of their board. They shall elect a secretary who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes, in writing, of all their proceedings. They may appoint a librarian. The secretary may certify to such proceedings or any part or portion thereof under his hand, verified by an official seal adopted and provided by the trustees for that purpose.

SEC. 11. Said library shall be free to the judiciary and county officials of said county without payment of dues, and free to all inhabitants of said county upon payment of such dues as may be ordained by said board of trustees and under such rules and regulations as may be by them provided.

SEC. 12. The secretary of state is hereby authorized and directed to transmit to the county clerk of each county of the state, for the use of said library, a copy of each and every publication which may hereafter be made by this state, and especially a copy of each report of the decisions of the supreme court, and of the statutes of this state, and also a copy of all such reports and statutes heretofore published.

SEC. 13. The librarian of the supreme court library is hereby authorized and directed to distribute among the law libraries herein provided for such duplicates of books as may be in the state library and not needed for its own purposes.

SEC. 14. All acts and parts of acts in conflict with this act are hereby repealed, provided, however, that wherever a law library and a board of trustees to govern the same is already provided by law in any county or city and county in this state, this act shall not affect such library or board of trustees, or be considered a repeal of any legislation under which such library is established and now governed; and provided further, that it shall be discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this act to such county; and the moneys herein provided to be collected shall not be collected in addition to moneys already by law provided to be collected for law libraries in any county, or city and county, in this state.

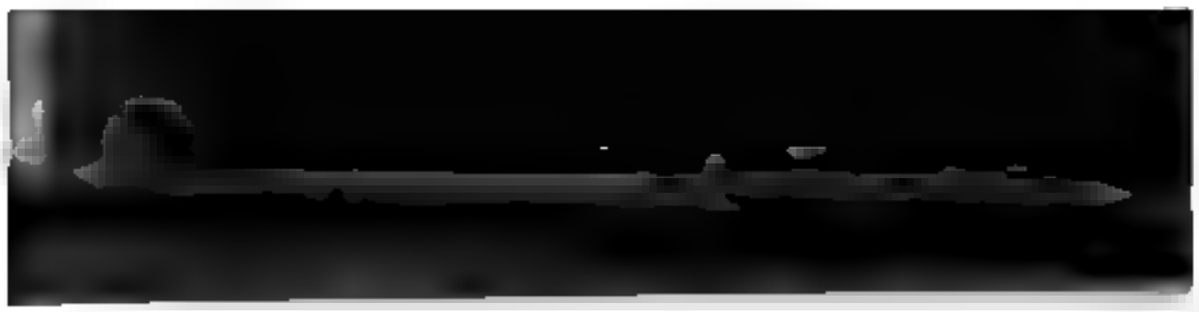
SEC. 15. This act shall take effect from and after its passage.

MARSHALL MONUMENT.

An act to provide for the appointment of a guardian for the Marshall monument and grounds, prescribing his duties, and appropriating money therefor.

[Approved March 31, 1891. Stats. 1891, p. 434.]

SECTION 1. The care and protection of the Marshall monument and grounds from vandalism and injury is hereby vested



to the governor of California, who shall, within thirty days after the passage of this act, appoint a suitable person who shall act as the guardian of the said monument and grounds, under such rules and regulations as the governor shall prescribe.

SEC. 2. The duties of the guardian shall be to take charge of the said monument and grounds, and to preserve and protect the same from injury and vandalism; to keep in proper repair the road leading to said monument over the grounds belonging to the state; and to improve said grounds under such rules and regulations as the governor may prescribe. The said guardian shall reside upon said Marshall monument grounds, or within one mile of the same; he shall hold office at the pleasure of the appointing power, and may be removed by the governor at any time for cause, after due trial.

SEC. 3. The guardian shall receive for his services fifty dollars per month, payable from the state treasury, in the same manner as other state officers are paid.

SEC. 4. The sum of one hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of the salary of the said guardian for the forty-second fiscal year.

SEC. 5. This act shall be in force and take effect from and after its passage.

MINERALOGICAL BUREAU

An act making an appropriation for editing the manuscript of the state mineralogist for the two years ending September 15, 1892.

[Approved March 11, 1893. Stats. 1893, p. 138.]

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of five hundred dollars, or so much thereof as may be necessary, the same to be expended under the supervision and direction of the state board of examiners, for pay for editing the manuscript of the biennial report of the state mineralogist for the two years ending September fifteenth, eighteen hundred and ninety-two, said manuscript having been filed with the governor on said date.

SEC. 2. This act shall take effect immediately.

An act to provide for the establishment, maintenance and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau.

[Approved March 21, 1891. Stats. 1893, p. 203.]

SECTION 1. There shall be and there is hereby established in the state of California a mining bureau, the principal office of which shall be maintained in the city of San Francisco, which

said mining bureau shall be under the supervision of a board of trustees, to be known as the board of trustees of the state mining bureau, and it shall be the duty of, and the governor of the state of California is hereby authorized and empowered, to appoint five residents and citizens of the state to be such trustees.

SEC. 2. The appointees shall take the same oath of office as other state officers, and when duly qualified and assembled shall constitute the board of trustees of the state mining bureau. They shall hold office for four years from the date of their appointment, or until the qualification of their successors, and shall receive no compensation for their services. They shall have control of all properties and funds of said bureau, and shall have the power in the name of said board to sue and defend. Three of the members constitute a quorum for the transaction of business. They shall elect one of their number to be president of said board and shall keep a record of their proceedings. They shall adopt rules and regulations for their government not in conflict with the laws of the state.

SEC. 3. It shall be the duty of the governor of the state of California, and he is hereby empowered, to appoint a citizen and resident of this state having a practical and scientific knowledge of mining and mineralogy, to the office of state mineralogist, which office is hereby created. Said state mineralogist shall hold his office for the term of four years from the date of his appointment, or until the qualification of his successor. He shall take and subscribe the same oath of office as the other state officers, and shall give bonds for the faithful performance of his duties in the sum of twenty-five thousand dollars, said bond to be approved by the governor of the state of California. He shall receive for his services a salary of two hundred and fifty dollars per month, to be paid in the same manner as the salaries of other state officers, and shall also receive his necessary traveling expenses when traveling on the business of his office, said expenses, when approved by the board of trustees of the mining bureau, to be allowed and audited by the state board of examiners. The said salary and expenses shall be paid out of the mining bureau fund, herein provided for, and not otherwise.

SEC. 4. It shall be the duty of said state mineralogist to make, facilitate and encourage special studies of the mineral resources and mineral industries of the state. It shall be his duty: To collect statistics concerning the occurrence of the economically important minerals and the methods pursued in making their valuable or not known available for commercial use; to make a collection of typical geological and mineralogical specimens, especially those of economic or commercial importance, such collection constituting the museum of the state mining bureau; to provide a library of books, reports, and drawings bearing upon the mineral industries, the sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the library of the state mining bureau; to make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and

metallurgical processes; to preserve and to maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours; to maintain, in effect, a bureau of information concerning the mineral industries of this state, to consist of such collections and library, and to arrange, classify, catalogue, and index the data therein contained, in a manner to make the information available to those desiring it, and to provide a custodian specially qualified to promote this purpose; to make a biennial report to the board of trustees of the mining bureau, setting forth the important results of his work, and to issue from time to time such bulletins as he may deem advisable concerning the statistics and technology of the mineral industries of this state.

SEC. 5. Said state mineralogist shall have the right to appoint competent assistants and qualified specialists when necessary in the execution of his plans, and fix their compensations, but all such appointments and compensations shall be subject to the approval and confirmation of said board of trustees, and shall not become effective unless so confirmed and approved; and it shall be the duty of the state mineralogist to consult the said board of trustees upon all matters appertaining to his official duties, and he shall at all times perform such duties subject to the supervision and approval of said board of trustees.

SEC. 6. It shall be the duty of the board of trustees of the state mining bureau, when the funds of said mining bureau will permit, to procure and maintain the necessary rooms and furniture for the offices and uses of the said board of trustees and the state mineralogist, and the museum and library of the mining bureau, in San Francisco, provided, however, that the entire expenses of the state mining bureau for salaries, assistance, light, rent, fuel, furniture, and all other things pertaining to said bureau, must not, in any one year, be greater than can be paid out of the mining bureau fund herein provided.

SEC. 7. The board of trustees of the state mining bureau shall manage and control all the finances of said mining bureau, and shall make rules regulating the custody and disbursement of the funds of the state mining bureau, and the mode of drawing the same from the state treasury.

SEC. 8. The board of trustees of the state mining bureau shall biennially report to the governor of the state the condition of the bureau, with a statement of the receipts and disbursements in detail; and with said report shall be incorporated the biennial report of the state mineralogist, and the report of said board of trustees and state mineralogist shall be printed as are the reports of the other state officers.

SEC. 9. The board of trustees of the state mining bureau are hereby empowered and authorized to receive, on behalf of the state, for the use and benefit of the state mining bureau, gifts, bequests, devises, and legacies of real or other property, and to use the same in accordance with the wishes of the donors; and, if no instructions are given by said donors, to manage, use, and dispose of the said gifts, bequests, and lega-

ofes for the best interests of the said mining bureau in the manner they may deem proper

Sec 10 The state mineralogist may with the approval of the board of trustees of the state mining bureau, prepare a special collection of ores and minerals of California, to be sent to any world's fair or exposition at which they may deem it advisable or desirable to display the mineral wealth of the state

Sec 11 The mining bureau fund herein mentioned, and out of which all the expenses of the state mining bureau shall be paid shall consist of such property or moneys as may come into the hands of the board of trustees of said bureau by gift, bequest, devise or legacy of such moneys as may from time to time be appropriated by the legislature of the state for the use of said bureau and of such moneys as shall be paid into the state treasury for the use and benefit of said bureau, as provided in the following section

Sec 12 It shall be the duty of the tax collectors in the several counties in the state and of the license collector of the city and county of San Francisco on the second Monday in January, April July and October in each year to transmit by express to the state treasurer all moneys collected by them from mining corporations or from corporations formed for mining ores or for supplying water for mining purposes under or by virtue of the act entitled "An act imposing a tax on the gross of certain kinds of corporations" approved April first, eighteen hundred and seventy eight and to forward to the state controller by mail a certificate showing the amount of money so forwarded to the state treasurer and the date when the same was transmitted and also showing the names of the several corporations from which the same was received and the amount received from each The state treasurer shall receive the moneys so transmitted and give duplicate receipts therefor one of which shall be filed with the state controller, and the other shall be forwarded to the collector from whom the money was received and after paying out of the money so received the charges for the transmission thereof the amount of which shall be noted on the receipt filed with the state controller he shall retain the same under his hands and place it in the mining bureau fund said mining bureau fund to be used only in the payment of drafts made for the expenses of the mining bureau established under this act

Sec 13 Such tax collectors and license collectors shall hereafter be required to pay into the county treasuries of their respective counties only that portion of the moneys collected by them under the act of the legislature mentioned in the last preceding section approved April first eighteen hundred and seventy eight which is collected from corporations other than those mentioned in section two of this act

Sec 14 The board of trustees now known as the board of trustees of the state mining bureau shall perform the duties of the board of trustees of the state mining bureau as in this act provided and administer the affairs of the state mining bureau, as in this act provided, until the appointment and

qualification of their successors, as in this act provided, and the state mineralogist, now performing the duties of the office of state mineralogist, shall perform the duties of the office of state mineralogist, as in this act provided, until the appointment and qualification of his successor, as in this act provided.

SEC. 15. The act entitled "An act to provide for the establishment and maintenance of a mining bureau," approved April sixteenth, eighteen hundred and eighty, and the act entitled "An act supplementary to an act entitled 'An act for the establishment and maintenance of a mining bureau,' approved April sixteenth, eighteen hundred and eighty,' approved March twenty-first, eighteen hundred and eighty-five, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its passage.

MINES AND MINING.

An act to establish a uniform system of mine bell signals, to be used in all the mines operated in the state of California, and for the protection of miners.

[Approved March 8, 1909. Stats. 1909, p. 82.]

SECTION 1. Every person, company, corporation, or individual operating any mine within the state of California — gold, silver, copper, lead, coal, or any other metal or substance where it is necessary to use signals by means of bell or otherwise, for shafts, inclines, drifts, crosscuts, tunnels, and underground workings — shall, after the passage of this bill, adopt, use, and put in force the following system or code of mine bell signals, as follows: —

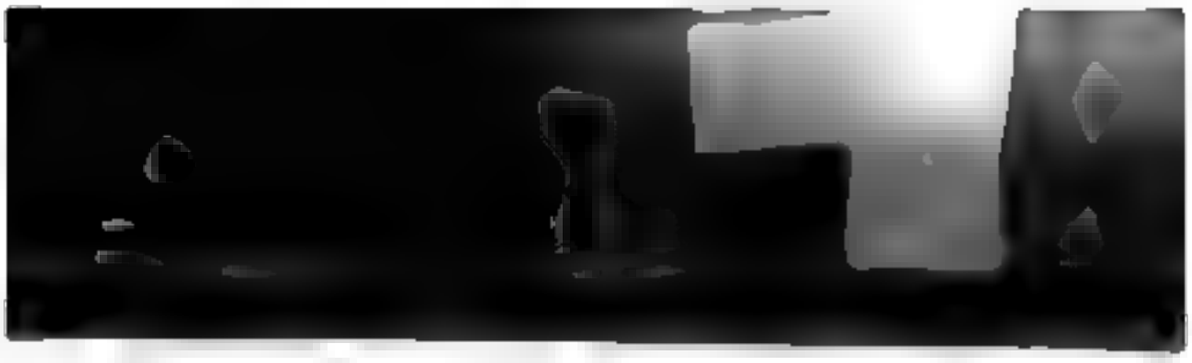
1 bell, to hoist. (See Rule 2.)
1 bell, to stop if in motion
2 bells, to lower. (See Rule 2.)
3 bells, man to be hoisted, run slow. (See Rule 2.)
4 bells, start pump if not running, or stop pump if running.
1—3 bells, start or stop air compressor
5 bells, send down tools. (See Rule 4.)
6 bells, send down timbers. (See Rule 4.)
7 bells, accident — move bucket or cage by verbal orders only.
1—4 bells, foreman wanted
2—1—1 bells, done hoisting until called.
2—1—2 bells, done hoisting for the day
2—2—2 bells, change buckets from ore to water, or vice versa.
3—2—1 bells, ready to shoot in the shaft. (See Rule 3.)

Engineer's signal, that he is ready to hoist, is to raise the bucket or cage two feet and lower it again. (See Rule 3.)

Levels shall be designated and inserted in notice hereinafter mentioned. (See Rule 5.)

SEC. 2. For the purpose of enforcing and properly understanding the above code of signals, the following rules are hereby established —

Rule 1. In giving signals make strokes on bell at regular intervals. The bar (—) must take the same time as for one



stroke of the bell, and no more. If timber, tools, the foreman, bucket, or cage, are wanted to stop at any level in the mine, signal, by number of strokes on the bell, the number of the level first before giving the signal for timber tools, etc. Time between signals to be double bars (— —). Examples. —

6 — — 6, would mean stop at sixth level with tools.

4 — — 1 — 1 — 1 — — 1, would mean stop at fourth level, man on, hoist.

2 — — 1 — 6, would mean stop at second level with foreman.

Rule 2. No person must get off or on the bucket or cage while the same is in motion. When men are to be hoisted, give the signal for men. Men must then get on bucket or cage, then give the signal to hoist. Bell cord must be in reach of man on the bucket or cage at stations.

Rule 3. After signal "Ready to shoot in shaft," engineer must give his signal when he is ready to hoist. Miners must then give the signal of "Men to be hoisted," then "split fuse," get into the bucket, and give the signal to hoist.

Rule 4. All timbers, tools, etc., longer than the depth of the bucket to be hoisted or lowered, must be securely lashed at the upper end of the cable. Miners must know they will ride up or down the shaft without catching on rocks or timbers, and be thrown out.

Rule 5. The foreman will see that one printed sheet of these signals and rules for each level and one for the engine-room are attached to a board not less than twelve inches wide by thirty-six inches long, and securely fasten the board up where signals can be easily read at the places above stated.

Rule 6. The above signals and rules must be obeyed. Any violation will be sufficient grounds for discharging the party or parties so doing. No person, company, corporation, or individuals operating any mine within the state of California shall be responsible for accidents that may happen to men disobeying the above rules and signals. Said notice and rules shall be signed by the person or superintendent having charge of the mine, who shall designate the name of the corporation or the owner of the mine.

SEC. 2. Any person or company failing to carry out any of the provisions of this act shall be responsible for all damages arising to or incurred by any person working in said mine during the time of such failure.

SEC. 3. This act shall take effect immediately.

An act to provide for the appointment, duties, and compensation of a debris commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner.

[Approved March 24, 1893. Stats. 1893, p. 339.]

SECTION 1. The governor of the state of California shall, on or before the first day of January, eighteen hundred and ninety-four, appoint a competent civil engineer for a period of four years only, to be known as and called the debris commissioner.

SEC. 2. Said commissioner shall, during the time he shall be actually employed in the discharge of his official duties,

receive a compensation of three hundred dollars per month and his necessary traveling expenses, to be allowed by the state board of examiners.

SEC. 3. Whenever any board of engineers of the United States government shall have been appointed with power to adopt plans and specifications for the construction of works for the impounding of mining debris, it shall be the duty of said debris commissioner to consult and advise with such board of engineers of the United States government, and to examine and pass upon the merits of such works, and said debris commissioner shall determine whether or not such works are calculated to and sufficient to protect the navigable waters of the state, and to keep a record of such determinations.

SEC. 4. There is hereby appropriated out of the general fund of the treasury of this state not otherwise appropriated, the sum of two hundred and fifty thousand dollars, no warrant against said sum to be drawn or paid until the United States government shall have appropriated at least an equal amount, to be used in the construction of works for the restraining or impounding of mining debris in California. Said moneys to be paid only upon orders drawn by the controller, upon the written request of the said debris commissioner, and to be drawn only for the payment of not more than one half of the cost of the construction of any such works for restraining and impounding mining debris as shall have been approved by him and duly adopted and recommended by engineers of the United States government appointed for that purpose.

SEC. 5. The term of office of said debris commissioner shall be four years from the date of his appointment. He shall take the same oath of office as is provided by law for other state officers, and before entering upon the discharge of his duties shall give bond, with sufficient sureties, to be approved by the governor of the state, in the sum of fifty thousand dollars, for the faithful discharge of his duties as such officer.

SEC. 6. The said debris commissioner shall have the power to appoint a secretary, at a monthly salary to be fixed by said commissioner, not exceeding one hundred and twenty-five dollars per month, said secretary to hold office at the pleasure of the said commissioner; *provided, however*, that no secretary shall be appointed until said debris commissioner shall enter upon the actual discharge of his duties.

SEC. 7. All expenditures authorized by the provisions of this act shall be subject to the approval of the state board of examiners; and the state controller is hereby authorized to draw his warrant for all expenditures not in excess of the appropriation herein provided for, so approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

An act entitled an act relating to the working, rights of way, easement, and drainage of mines in the state of California.

[Approved March 31, 1891; Stats. 1891, p. 219.]

SECTION 1. Whenever any mine-owner, company, or corporation shall have performed the labor and made the improve-

ments required by law for the location and ownership of mining claims or lodes, such owner, company or corporation shall file or cause to be filed, within thirty days after the time limited for performing such labor or making such improvements, with the county recorder of deeds of the county in which the mine or claim is situated, particularly describing the labor performed and improvements made, and the value thereof, which affidavit shall be prima facie evidence of the facts therein stated. Upon the failure of any claimant or mine-owner to comply with the conditions of this act in the performance of labor or making of improvements upon any claim, mine or mining ground, the claim or mine upon which such failure occurred shall be opened to relocation in the same manner as if no location of the same had ever been made. But if, previous to relocation, the original locators, their heirs, assigns or legal representatives, resume work upon such claim, and continue the same with reasonable diligence until the required amount of labor has been performed or improvements made, and the required statement of accounts and affidavits filed with the county recorder, then the claim shall not be subject to relocation because of previous failure to file accounts. Upon the failure of any one of the several co-owners to contribute his portion of the expenditures required hereby, the co-owners who have performed the labor or made the improvement may, at the expiration of the year, give such delinquent co-owner personal notice, in writing or by publication in the newspaper published nearest the claim, for at least once a week for ninety days; and if at the expiration of ninety days after such notice in writing or publication, such delinquent shall fail or refuse to contribute his portion of the expenditures required by this section, his interest in the claim shall become the property of his co-owners who made the required expenditures. A copy of such notice, together with an affidavit showing personal service or publication, as the case may be, of such notice, when filed or recorded with the recorder of deeds of the county in which such mining claim is situated, shall be evidence of the acquisition of title of such co-owners. Where a person or company has or may run a tunnel or cute for the purpose and in good faith for the purpose of developing a lode, lodes or claims owned by said person or company or corporation, the money so expended in running said tunnel shall be taken and considered as expended on said lodes or claims, provided further, that said lode, claim or claims shall be distinctly marked on the surface as provided by law.

SEC. 2. All mining locations and mining claims shall be subject to a reservation of the right of way through or over any mining claims, ditches, roads, canals, cuts, tunnels, and other easements for the purpose of working other mines, provided that any damage occasioned thereby shall be assessed and paid for in the manner provided by law for land taken for public use under the right of eminent domain.

SEC. 3. This act shall take effect immediately.

MISSING PERSONS.

An act authorizing the appointment of trustees for the estates of missing persons, and defining the duties of such trustees.

[Approved March [illegible], [illegible]. State, [illegible], p. [illegible].]

SECTION 1. That whenever any resident of this state has been or may hereafter be missing, or his whereabouts unknown, for the period of ninety days, and any such person owns, is seized, or entitled to the seisin or the possession of any real or personal property in this state, and it is represented to the superior court, or a judge thereof, of any county in which such person owns any property, upon verified petition of the wife or of any relative or friend of such person, that his whereabouts has been unknown for such period of time and is still unknown, and that his estate requires the attention, supervision, and care of ownership, it shall be the duty of such court to appoint some suitable person or persons to take charge and possession of such estate as trustee, and to manage and control the same under the direction of said court.

SEC. 2. That in appointing such trustee the court shall preferably appoint the wife of such missing person (if any such there be), or her nominee, and in the absence of a wife, some person who would be entitled to participate in the distribution of such missing person's estate were he dead; and the court shall have power to direct such trustee to pay to the person or persons constituting the family of such missing person such sum or sums of money, for family expenses and support, from the income of such estate, as it may from time to time determine.

SEC. 3. That the bond of the trustee so appointed shall be in double the amount of the estimated annual income of such estate: *provided*, that where such missing person has a wife living and no children, and the estate of such missing person is shown to be solvent, and the wife applies to be appointed trustee, the court shall require no bond of her.

SEC. 4. It shall be the duty of such trustee or trustees to take possession of all the real and personal estate in this state of such missing person, and to collect and receive the rents, income, and profits thereof; to collect all indebtedness owing to such missing person, and pay the costs and expenses thereof out of the trust fund, and to pay such indebtedness of such missing person as he may be authorized to do by the court making the appointment of the trustee; and he shall from time to time, as he may be directed, account to and with said court for all of his or their acts and doings as trustee, and the court making such appointment may at any time, upon the application of any party interested, and upon good cause shown therefor, remove any trustee which it may so appoint, and appoint some other person or persons trustee or trustees in his or their place or stead.

SEC. 5. Upon presentation of the verified petition mentioned in section one, the court or judge shall order the same to be filed with the clerk of the court, and shall appoint a time for the hearing of said petition, not less than ten days from the

date of said order; and the clerk shall publish notice in some newspaper published in said county, stating that such petition will be heard at the time so appointed, in the court room of said court. Said notice shall be published for five days, and such other notice of said application shall be given in such manner and to such persons as the court or judge may direct. All orders, judgments, and decrees made in proceedings under this statute may be entered and recorded as and with the like effect as other orders, judgments, and decrees in superior courts. From and after the presentation of said petition and until decision rendered thereon, the wife of such insane person shall have all the powers of a trustee duly appointed and qualified under this act, and shall act as such trustee, subject to the direction of the court.

SEC. 6. This act shall be in force from and after its passage.

PHARMACY

An act to regulate the practice of pharmacy and sale of poisons in the state of California.

(Approved March 11, 1891. Stats. 1891, p. 88.)

SECTION 1. From and after the first day of January, A. D. eighteen hundred and ninety-two, it shall be unlawful for any person to conduct any pharmacy or store for dispensing or compounding medicines, unless such person be a registered pharmacist within the meaning of this act; and it shall be unlawful for any person to compound or dispense any physician's prescription unless such person be a registered pharmacist, or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided.

SEC. 2. Any person, in order to be a registered pharmacist, must be a graduate of pharmacy, a licentiate in pharmacy, or a practicing pharmacist.

SEC. 3. Graduates in pharmacy are persons who have had four years' experience in stores where the prescriptions of medical practitioners are compounded, and each must have obtained a diploma from a regularly constituted college of pharmacy. Licentiates in pharmacy are persons who have had four years' experience in stores where the prescriptions of medical practitioners are compounded, and who have passed an examination before the state board of pharmacy, or who shall present satisfactory credentials or certificates of their attainments to the said board. Practicing pharmacists are persons who, at the passage of this act are conducting pharmacies in this state for compounding and dispensing of prescriptions of medical practitioners, and for the sale of medicines and poisons. Assistant pharmacists are persons of not less than eighteen years of age who are employed by registered pharmacists, have studied the art of pharmacy for two years, and have passed an examination by the board of pharmacy, or who, prior to the passage of this act, have had three years' experience in pharmacies.

SEC. 4. Every pharmacist claiming the right of registration under this act shall, on or before the first day of January next

after its passage, forward to the board of pharmacy satisfactory proof that he was engaged in the business of preparing and dispensing medicines and physicians' prescriptions at the time of passage of this act or that he is otherwise entitled to registration under its provisions. The board of pharmacy shall thereupon issued upon his paying the sum of five dollars a certificate of registration. Any practicing pharmacist having to comply with the requirements of this section with ninety days from and after the first day of January eighteen hundred and ninety-two shall forfeit his right to registration, and shall appear for examination as provided for in this act.

SEC. 3. Every assistant pharmacist claiming right of registration under this section shall, before passing an examination by the board of pharmacy, shall on or before the first day of January next after the passage of said act file with the said board of pharmacy proof that he has had three years experience in drug stores where physicians' prescriptions are prepared. The board of pharmacy shall thereupon issue to said applicant, upon his paying the sum of one dollar a certificate of registration as assistant pharmacist. Any assistant failing to comply with the requirements of this section within ninety days from and after the first day of January eighteen hundred and ninety-two shall forfeit his right to registration without passing the examination provided for in this act. No registered assistant shall conduct a pharmacy nor be granted a certificate as a registered pharmacist unless he has passed the examinations for licentiates in pharmacy as required by law.

SEC. 4. [illegible] days after the passage of this act and every four years thereafter, the governor shall appoint seven competent pharmacists residing in different parts of the state, to serve as a board of pharmacy. The members of this board shall [illegible] their appointment qualify by taking and subscribing the constitutional oath of office before some officer in the county in which they reside, and forthwith notify the governor of their acceptance and shall enter upon the discharge of their duties. They shall hold office for the term of four years and until their successors are appointed and qualified. In case of vacancy in the board of pharmacy the governor shall fill the same by appointing a member to serve for the unexpired term. The board shall organize by electing a president and a secretary, the latter [illegible] treasurer of the board. Four members of the board shall constitute a quorum. They shall meet at least once each year, and have power to make by-laws for the proper management of their duties. The duties of the board shall be to enforce the provisions of the [illegible] pertaining to the legal regulations of the practice of pharmacy, to investigate all violations reported to them, and to cause the prosecution of all persons violating the provisions of this act, and to keep the name and residence of the proper persons entitled to practice pharmacy in this state. All applicants shall be required to be examined by the board as to their fitness and qualifications as pharmacists, assistant pharmacists, all applicants shall be required to be such, respectively. All per-

sons, on applying for examination or registration, shall pay to the secretary a fee of five dollars for licentiate, and two dollars for assistants; and on passing the examination they shall be furnished with a certificate signed by the secretary and examiners. In case of failure to pass, the board shall grant a second examination within one year, without any additional fee being charged. The board shall render an annual report of its proceedings to the governor of the state.

SEC. 7. It shall be the duty of the secretary to keep a book of registration open at the city of San Francisco, of which due notice shall be given through the public press or by mail, in which book shall be entered under the supervision of the board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this act. The secretary shall give receipts for all money received by him, and disburse the same by order of the board for necessary expenses, taking proper vouchers therefor. The balance of said moneys, after paying the expenses of the board, he shall pay to the state treasurer, who shall keep it as a special fund to be used in carrying out the provisions of this act.

SEC. 8. The members of the board of pharmacy shall each be paid the sum of five dollars per diem for every meeting of the board which they attend, and the secretary shall receive such additional compensation as the board may direct. All compensation of members and other expenses of the board of pharmacy shall be paid out of the examination and registration fees and fines.

SEC. 9. No person shall add to or remove from, or cause to be added to or removed from, any drug, chemical, or medicinal preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value, or medicinal effect, or alter the nature or composition of such article; and no person shall knowingly sell or offer for sale any such adulterated, altered, or substituted drug, chemical, or medicinal preparation, without informing the purchaser of the adulteration or sophistication of the article sold or offered for sale. Every registered pharmacist shall file or cause to be filed all physicians' prescriptions compounded or dispensed in his pharmacy or store; they shall be preserved for two years, and he shall furnish a correct copy of any prescription upon the order or request of the attending physician. Any person who shall willfully violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action, and for the first offense be liable to a fine not exceeding fifty dollars, and for each subsequent offense a fine of not less than fifty nor more than one hundred dollars, said fines to be paid over to the board of pharmacy. On written complaint being entered against any person or persons charging them with specific violation of any of the provisions of this act, the board of pharmacy is hereby empowered to delegate one of its members or other suitable person, who shall have authority to inspect drugs, chemicals, or medicines, and to make a thorough investigation of the case; he shall then report the result

of his investigation, and if such report justify such action the board shall notify the prosecuting attorney or district attorney, who shall prosecute the offender according to law.

SEC. 10. It shall be unlawful for any person to retail any poisons enumerated in schedules "A" and "B" appended to this act without labeling the box, bottle or paper in which said poison is contained with the name of the article, the word "Poison," and the name and place of business of the seller. Nor shall it be lawful to sell or deliver any poison named in schedules "A" and "B" unless, on inquiry, it is found that the person is aware of its poisonous character and that it is to be used for a legitimate purpose. Nor shall it be lawful to sell or deliver any poison included in schedule "A" without making, or causing to be made, an entry in a book kept for that purpose only, stating the date of sale, and the name and address of purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser, said book to always be open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons when prescribed by practitioners of medicine, nor to the sale of poisons, if a single bottle or package does not contain more than an ordinary dose. Jobbers shall affix to every bottle, box, parcel or other [illegible] of an original package containing any of the articles named in schedules "A" and "B" of this act a suitable label or brand with the word "Poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale to a registered pharmacist or physician. Any person failing to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine not exceeding fifty dollars.

SEC. 11. Any person that shall attempt to procure registration for himself, or for any other person, under this act, by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum not exceeding two hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store, by persons not registered, except by [illegible] assistants under the [illegible] supervision of registered persons, or any person not registered who shall retail medicines or poisons, except in a pharmacy under the supervision of a registered pharmacist or a registered assistant pharmacist, and any registered person who shall fail to comply with the regulations of this act, shall be guilty of a misdemeanor, and upon conviction thereof be fined not exceeding fifty dollars. Nothing in this act shall apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy or open shop for the retailing of medicines or poisons, nor with the exclusively wholesale business of any dealer, except that portion of section ten which relates to marking or labeling certain poisons mentioned in this act. Nor shall general dealers come under the provisions of

this act, in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines; but in no case shall they compound or prepare any pharmaceutical preparations or prescriptions.

SEC. 12. All persons registered under this act shall be exempt and free from jury duty.

SCHEDULE "A."

Arsenic, corrosive sublimate, cyanide of potassium, hydrocyanic acid, strychnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium, and all its preparations, excepting those which contain less than two grains to the ounce.

SCHEDULE "B."

Aconite, belladonna, colchicum, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, and oxalic acid, white precipitate, red precipitate, biniodide of mercury, essential oil of almonds.

All acts or parts of acts which conflict with this are hereby repealed.

An act to amend an act entitled "An act to regulate the practice of pharmacy and sale of poisons in the state of California," approved March 11, 1891.

[Approved March 3, 1893; Stats. 1893, p. 68.]

SECTION 1. Section six of said act is hereby amended so as to read as follows: —

Section 6. Within thirty days after the passage of this act, and every fourth year thereafter, the governor shall appoint seven competent pharmacists, residing in different parts of the state, to serve as a board of pharmacy. The members of this board shall, within thirty days after their appointment, individually take and subscribe, before the county clerk in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this act. They shall hold office for the term of four years, and until their successors are appointed and qualified. In case of vacancy in the board of pharmacy, the governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of said board shall be located in San Francisco. The board shall organize by electing a president and a secretary, the latter to be ex officio treasurer of the board. Four members of the board shall constitute a quorum. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of the board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy; to investigate all complaints respecting non-compliance with or violations of the provisions of this act, and to bring the same to the notice of the proper prosecuting officer, whenever there appears to the board to be reasonable grounds for such action; and to examine and register as pharmacists, or assistant pharmacists,

all applicants whom it shall deem qualified to be such, respectively. All persons, on applying for examination or registration, shall pay to the secretary a fee of five dollars for license, and two dollars for assistants; and on passing the examination they shall be furnished with a certificate signed by the secretary and examiners. In case of failure to pass, the board shall grant a second examination within one year without any additional fee being charged. Every registered pharmacist who desires to continue the practice of his profession in this state shall annually, on such date as the board of pharmacy may determine, pay to the secretary of the said board a registration fee, to be fixed by the board, but which shall in no case exceed the sum of two dollars per annum, for which he shall receive a renewal of said registration. Every registered assistant pharmacist who desires to continue the practice of his profession in this state shall, annually, on such date as the board of pharmacy may determine, pay to the secretary of said board a registration fee, to be fixed by the board, but which shall in no case exceed the sum of one dollar per annum, for which he shall receive a renewal of said registration. The board shall render an annual report of its proceedings to the governor of the state.

PREDACEOUS INSECTS

An act to appropriate five thousand dollars for the purpose of sending an expert to Australia, New Zealand and adjacent countries, to collect and import into this state parasites and predaceous insects.

(Approved March 31, 1891, State 1891, p. 277.)

SECTION 1. There is hereby appropriated the sum of five thousand dollars out of any money in the state treasury not otherwise appropriated for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this state parasites and predaceous insects for distribution. The expenditure of said sum to be under the direction of the state board of horticulture.

SEC. 2. The controller of state is hereby directed to draw his warrant for the above sum upon the state treasurer in favor of said board, and the state treasurer is hereby directed to pay the said warrant.

SEC. 3. This act shall take effect immediately.

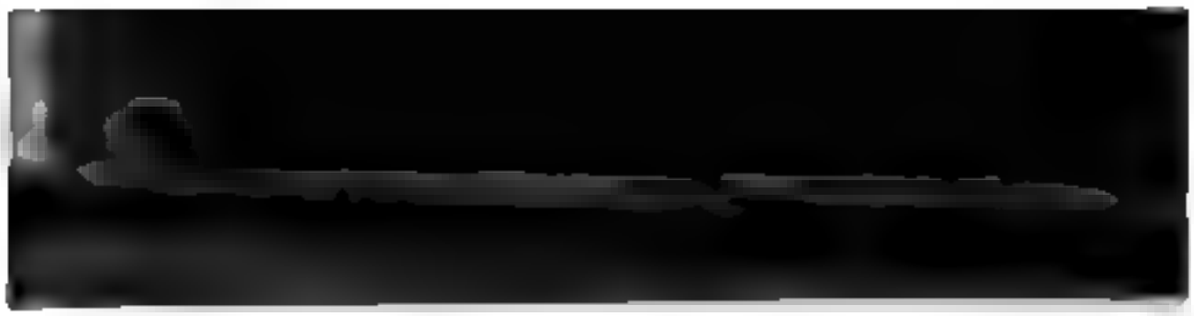
PUBLIC DEBT

An act to provide for the redemption and payment of certain funded debt bonds of this state, together with interest thereon, making an appropriation therefor, and authorizing the state controller and state treasurer to transfer the sum of one hundred and twenty thousand dollars from the general fund to the interest and sinking fund to carry out the provisions of this act.

(Approved February 7, 1893. State 1893, p. 48.)

SECTION 1. Immediately upon the passage and taking effect of this act, the treasurer of state shall advertise for one month in one daily newspaper published in English in the city of San

Fourteen, and for one month in one daily newspaper published in English at the state capital, stating that he is prepared to pay, and will pay, upon presentation thereof at his office at the state treasury, the following bonds of the state of California, issued under an act of the legislature entitled "An act to provide for the payment of the funded debt of the state of California, and to contract a funded debt for that purpose," approved April fourteenth, eighteen hundred and seventy, to wit: Bonds numbered two thousand one hundred and [illegible]



hundred and ninety two thousand four hundred and ninety-four to two thousand four hundred and ninety eight both inclusive, two thousand five hundred to two thousand five hundred and one both inclusive, two thousand five hundred and eight to two thousand five hundred and twenty-two both inclusive, two thousand five hundred and twenty five two thousand five hundred and twenty eight both inclusive two thousand five hundred and thirty two thousand five hundred and thirty-seven, two thousand five hundred and forty both inclusive, two thousand five hundred and forty-two to two thousand five hundred and forty-six both inclusive two thousand five hundred and forty eight to two thousand five hundred and fifty-seven both inclusive two thousand five hundred and sixty, two thousand five hundred and sixty-six two thousand five hundred and seventy; two thousand five hundred and seventy two two thousand five hundred and seventy-six to two thousand six hundred both inclusive two thousand six hundred and three to two thousand six hundred and four both inclusive two thousand six hundred and six to two thousand six hundred and eight both inclusive two thousand six hundred and ten two thousand six hundred and eleven two thousand eight hundred and fifty-one to two thousand eight hundred and fifty both inclusive. If such bonds so numbered on such advertisement shall be presented for payment and cancellation at the office or agency of such publication then the moneys hereinafter in this act appropriated shall remain in the state treasury to discharge such bonds whenever presented but they shall draw no interest after the expiration of such publication. In case any of said bonds shall be paid then the same shall be presented to the state controller, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering.

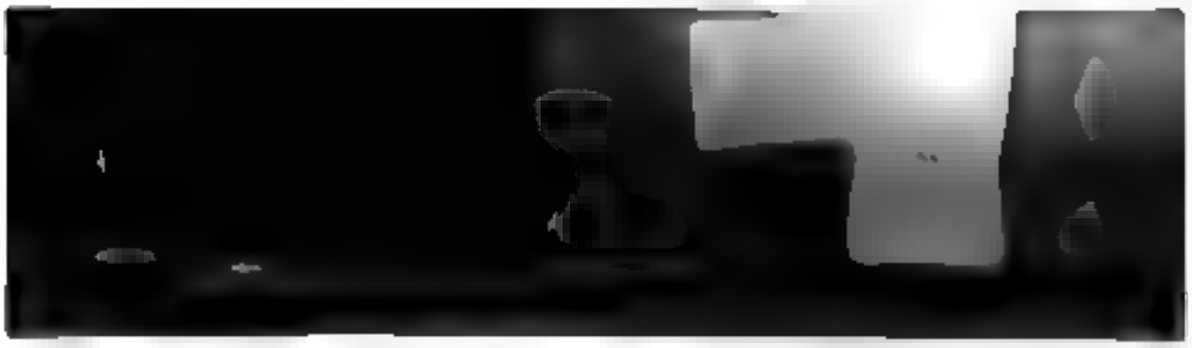
SEC. 4. The controller of state and treasurer of state are hereby authorized and directed to transfer from the general fund to the interest and sinking fund the sum of one hundred and twenty thousand dollars, which sum together with the moneys now remaining to the credit of said interest and sinking fund is hereby appropriated and made available to carry out the provisions of this act.

SEC. 5. This act shall take effect on and after its passage.

An act to provide for the payment of funded indebtedness of the state of California, and to create a funded debt for that purpose.

[Approved March 31, 1891. Stats. 1891, p. 210.]

SECTION 1. For the purpose of liquidating and providing for the payment of the funded indebtedness of the state of California hereinafter specified, and to assume the burden of taxation from the property of the state, the controller of state and the treasurer of state, and their successors in office, shall constitute a board of commissioners to be styled the loan commissioners of the state of California, and shall have and exercise the powers and perform the duties hereinafter provided.



SEC. 2. The said loan commissioners are hereby authorized to issue and sell not exceeding two million five hundred and twenty-eight thousand five hundred dollars ($2,528,500) of the bonds of said state, bearing interest at the rate of four per cent per annum, which interest shall be payable semi-annually in gold coin on the second days in April and October in each year, at the office of the treasurer of state. The principal of said bonds shall be made payable in gold coin, within twenty years after the date of their issue, and shall be of such denominations as the said loan commissioners shall direct, but not less than five hundred dollars, shall bear the date of their issue, and shall be signed by the said loan commissioners, and shall have the seal of the state affixed thereto; and the faith of the state of California is hereby pledged for the payment of said bonds, and the interest accruing thereon, as herein provided.

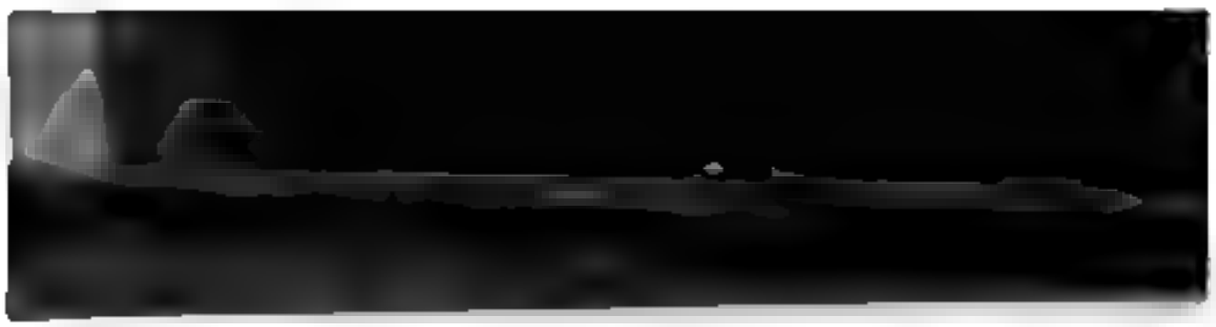
SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond; said coupons, consecutively numbered, shall be signed by the treasurer of state.

SEC. 4. Before the sale of any of said bonds the said loan commissioners shall cause notice of such sale to be published for the space of one month in two daily newspapers published in English, one in the city of San Francisco and one in the capital of the state. Such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the day and hour of sale, the place of sale, which shall be at the state capital, and that sealed proposals will be received by the said loan commissioners for the purchase of said bonds within one month from the expiration of such publication, and on the day and hour named in said notice, the said loan commissioners shall open all sealed proposals received by them, and shall award the purchase of said bonds to such bidders as will, in their opinion, make the most advantageous bid for the state; provided that said loan commissioners may reject any or all bids if they deem it to the advantage of the state; and provided further, that they may refuse to make any award unless sufficient security shall be furnished by the bidders for the compliance with the terms of their bids; and provided further, that said bonds shall not be sold for less than one hundred cents on the dollar in gold coin, par value.

SEC. 5. It shall be the duty of the treasurer and controller of state each to keep a separate record of all bonds sold under the provisions of this act, showing the number, date, amount, and rate of interest of each bond, and to whom the same was issued.

SEC. 6. The proceeds of such bonds shall be paid into the state treasury, and shall be applied to the payment of the following bonds, in the order of their issuance: The outstanding bonds issued under the act entitled "An act to provide for the payment of the funded indebtedness of the state of California, and to contract a funded debt for that purpose," approved April second, eighteen hundred and seventy.

SEC. 7. All persons having any of the bonds specified in section six of this act shall, upon presentation of such bonds



to the said loan commissioners, to be sorted to exchange them at their par value for bonds authorized to be issued under this act at the rate of one hundred cents on the dollar par value, but no bond shall be issued for a less sum than one hundred dollars nor for a fraction nor part of a hundred dollars but the said loan commissioners may issue certificates of such fractional parts not bonded which said certificates shall be transferable and entitled to be paid out of the proceeds of the sales of any bonds provided for in section 1 of this act. The loan commissioners shall record each bond so exchanged and shall indorse on each bond the date on which they received the same and from whom, the number and the amount of the bond issued in exchange therefor and shall file such bond in the office of the secretary of state.

Sec. 6. Whenever there shall be in the state treasury from the proceeds of the sale of bonds issued under this act, a sum of not less than one hundred dollars or more it shall be the duty of the treasurer to advertise in two newspapers printed in English, one in the [illegible] and one in Bergen, of the state for two days, which advertisement shall state the amount of money in the treasury applicable to the redemption of bonds, and the number of bonds numbering them in the order of their numbers which are redeemable, and three months from the date of the first publication of such advertisement such bonds, principal and interest, shall cease to bear interest but the money for the redemption of such bonds shall remain in the treasury to pay such bonds whenever presented.

Sec. 7. For the payment of the interest on the principal and interest of the bonds issued under this act there shall be annually assessed by the state board of assessors after any bonds shall have been issued under this act such rate of tax on each one hundred dollars of the assessed valuation of real and personal property in the state as shall be required by the certificate of the loan commissioners to produce a sum sufficient for the payment of the interest on the bonds issued under this act for the five years next preceding the payment of the interest on the first bonds issued, and thereafter twenty per centum of the amount of such bonds issued and thereafter until all the bonds issued under this act are paid fifteen per centum of the amount of such bonds issued. The state board of assessors shall certify the rate of tax thus ascertained to the several boards of assessors and the said assessors are hereby directed and required to assess such rate on the assessment rolls of their respective townships in the same manner and with the same effect as is provided by law in relation to other state taxes. Every tax levied under the provisions of section 1 of this act is hereby made a lien upon the property assessed, which lien shall continue [illegible] each year and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes assessed by the provisions of this section shall be paid into the state treasury and shall be applied first, to the payment of the interest on the bonds issued by the provisions of this act; second to the payment of the principal of such bonds; provided, that all the moneys remaining in the

state treasury on the third day of January of each year, for the first five years after the issuance of any bonds under this act, after all the interest on such bonds then due has been paid, shall be transferred by the treasurer of state to the general fund.

SEC. 10. Whenever, on the third of January or July in any year, after the expiration of five years from date of issuance of any bonds under this act, there remains, after the payment of the interest as provided in the preceding section, a surplus of ten thousand dollars or more it shall be the duty of the treasurer to advertise for the space of one month, in one daily newspaper published in English in the city of San Francisco, and for one month in one daily paper published in English at the state capital, for sealed proposals, to be opened one month after the expiration of such publication by the treasurer in presence of the governor or controller, at the state capitol, for the surrender of bonds issued under this act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for redemption is exhausted: *provided, however*, that in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the sinking fund to a less amount than ten thousand dollars, then it is hereby made the duty of the treasurer to advertise in two newspapers, one in San Francisco and one at the capital of the state, for three months, which advertisements shall state the amount in the sinking fund, and the number of bonds, numbering them in the order of their issuance which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment at the expiration of such publications, then such fund shall remain in the treasury to discharge such bonds when ever presented; but they shall draw no interest after the expiration of such publication. Before any of said bonds shall be paid they shall be presented to the controller, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering.

SEC. 11. The treasurer shall keep a full and particular account and record of all his proceedings under this act, and of the bonds redeemed and surrendered, and he shall transmit to the governor a statement of all moneys received under this act, with his annual report to be by the governor laid before the legislature, and all books and papers pertaining to the matter provided for in this act shall, at all times, be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature, or a joint committee of both.

SEC. 12. It shall be the duty of the treasurer to pay the interest on said bonds when the same falls due, out of said interest fund if sufficient, and if said fund be insufficient, then to pay the deficiency out of the general fund, *provided*, that the controller of state shall first draw his warrant on the treasurer, payable to the order of said treasurer, for the amount

of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

SEC 13 This act shall take effect sixty days after the next general election, as to all its provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, which shall take effect immediately.

SEC 14 This act shall be submitted to the people of the state for their ratification at the next general election; and the qualified electors of this state shall, at said election, on their ballots for state officers, vote for or against this act Those voting for the same shall write or have printed on their ballots the words "Refund the debt — Yes" and those voting against the same shall write or have printed on their ballots the words "Refund the debt – No"

SEC 15. The votes cast for and against this act shall be counted, returned, and canvassed, and declared in the same manner and subject to the same rules as votes cast for treasurer of state, and if it appears that a majority of all the votes so cast for or against this law as aforesaid are in favor of this act, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation hereof but if a majority of the votes so cast are against this act, then the same shall become void.

SEC 16. It shall be the duty of the secretary of state to have this act published in one newspaper in each county of this state for four successive weeks immediately preceding election.

PUBLIC PARKS.

An act giving the consent of the state of California to the reservation of certain lands by Congress

[Approved March 14, 1891 Stats. 1891, p 107.]

SECTION 1 The state of California hereby consents to the reservations created by the act of congress, approved September twenty fifth, eighteen hundred and ninety, entitled "An act to set apart a certain tract of land in the state of California as a public park, and the act of congress, approved October first, eighteen hundred and ninety, entitled "An act to set apart certain tracts of land in the state of California as forest reservations" and to further sales of such lands within the exterior boundaries of the tracts so reserved, as aforesaid, shall be made by the state

SEC. 2. This act shall take effect from and after its passage.

An act to amend sections two and five of "An act to provide for the maintenance and support of the public parks heretofore created within the various cities and cities and counties of the state, and amend the existing acts in relation thereto," approved March 14, 1889.

[Approved March 4, 1893, Stats 1893, p. 79.]

SECTION 1. That section two of the above-mentioned act be amended so as to read as follows.—

Section 2. Every such board of park commissioners (except in cities which, at the last federal census, had a population of more than fifty thousand and less than one hundred thousand inhabitants, and which cities have adopted a charter according to the constitution and laws of this state, as hereinafter provided) shall consist of three persons, who shall be appointed by the governor of the state, and shall hold their offices for four years respectively, and shall receive no compensation for their services. In case of a vacancy in the membership of the board, the same shall be filled by an appointee of the remaining members of the board, for the residue of the term then vacant; but all vacancies caused by the expiration of the term of office of any member of such board, or by the failure or neglect to qualify of any person appointed to such board by the governor, shall be filled by the governor by the appointment of a new member. Each member of every board of park commissioners shall be a freeholder and a resident of the city or city and county in which the board of which he is a member is to act. The governor of the state shall issue a commission to every such commissioner appointed by him, and each such commissioner shall, within twenty days after the receipt thereof, take and subscribe the oath of office prescribed by law. In every such board of park commissioners two members of the board shall constitute a quorum for the transaction of business; and the concurrent action of two members of such board shall be sufficient to enable the said board to make any contracts pertaining to the park or parks under the control of such board, or to draw and expend any moneys which shall have been lawfully appropriated or set apart for the support of such park or parks, or which shall constitute any portion of the funds legally applicable to the support of the same; *provided, however*, that in all cities which, at the last federal census, had a population of more than fifty thousand and less than one hundred thousand inhabitants, and which cities have adopted a charter according to the constitution and laws of this state, that such board of park commissioners shall consist of the same number and shall be appointed in the manner provided by such charters. They shall also have such powers as are therein provided, and shall be governed in all matters by the provisions of such charters. All provisions herein, and also in the act to which this is amendatory, which are not in conflict with such charters, shall apply to such board of park commissioners when so appointed.

Sec. 2. That section five of said act be amended so as to read as follows: —

Section 5. Every such board of park commissioners shall, semi-annually, and on the second Monday of January and July of each year, make to the legislature of the state and to the board of supervisors, or other municipal council of the city or city and county in which said board shall be acting, a full report of the proceedings and a detailed statement of its receipts and expenditures, except that in cities in which boards of park commissioners have been appointed under the provision of

such charters as heretofore provided for, the board of park commissioners of such cities shall report to the city council of the same.

SEC. 3. This act shall take effect and be in force immediately after its passage, and after which time the boards of park commissioners in cities which at the last federal census, had a population of more than fifty thousand and less than one hundred thousand inhabitants and which have adopted charters under the constitution and laws of this state, and which boards have heretofore been appointed under the provisions of the act to which this is amendatory, shall serve only as such board of park commissioners until a board of park commissioners is appointed under the provisions of such charters.

An act to amend sections three, five, six, and ten of an act entitled "An act to provide for the maintenance and support of the public parks heretofore created within the various cities and cities and counties of the state and to amend the existing acts in relation thereto," approved March 14, 1893.

[Approved March 24, 1893, Stats. 1893, p. 343.]

SECTION 1. Section three of said act is amended so as to read as follows:—

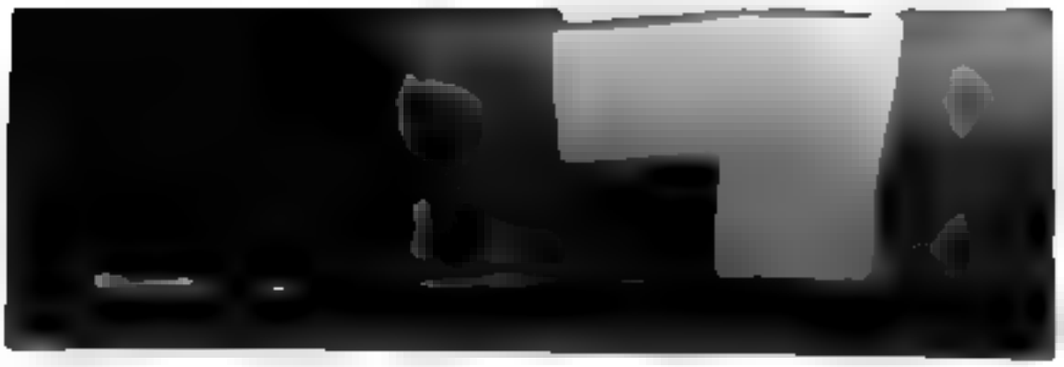
SECTION 3. Every such board of park commissioners shall have the full and exclusive power to govern, manage, and direct the parks, avenues, and grounds which have been or shall be placed under its care and charge; to employ and appoint such superintendents, laborers, clerks, or secretaries, attorney, surveyors, engineers; to engage and employ musicians for service in the park and other officers and assistants as to said board shall seem necessary and expedient for the proper management of the said parks and of its affairs; to prescribe and fix the duties, authority, and compensation of such appointees and employees; and to have the management and disbursement of all funds legally appropriated or provided for the support of said parks and grounds; *provided*, that no moneys shall for any of said purposes be paid out of the treasury of any city or city and county, except upon warrants duly signed by a majority of the board of park commissioners thereof, and duly audited by the auditor of such city or city and county.

SEC. 2. Section five of this act is hereby amended so as to read as follows:—

SECTION 5. Every such board of park commissioners shall annually, and on the first Monday of July of each year, make to the legislature of the state, and to the board of supervisors or other municipal council of the city or city and county in which such board shall be acting, a full report of the proceedings and a detailed statement of its receipts and expenditures.

SEC. 3. Section six of said act is hereby amended so as to read as follows:—

SECTION 6. It shall be lawful for every such board of park commissioners to let or lease any portion of the parks or grounds under their control, not exceeding one acre in extent, to any one party, and the lease therefor shall be unassignable,



all any portion of such park be leased to any street or railroad company for terms not exceeding three years, the grounds so leased shall be required for the improve- of such parks, or for public use as a park thereof. All realized from such leases shall be paid into the treasury city or city and county in which such parks shall be ed, and shall be added to the funds otherwise appro- d or provided for the support of such parks.

4. Section ten of said act is hereby amended so as to as follows:—

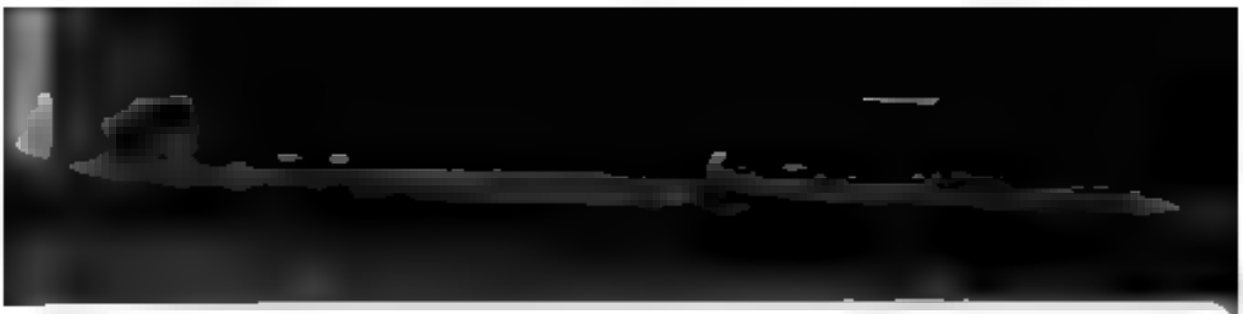
tion 10. The board of supervisors, municipal council, or legislative body of any city or city and county in the having within its limits parks or grounds under the exclu- nd management of a board of park commissioners, and area or acreage of more than ten acres, is hereby author- nd empowered to levy and collect each year, in the manner ibed by law for the levy and collection of taxes, a tax of n than six nor more than ten cents upon each one hun- dollars assessed valuation of taxable property within such r city and county, for the purpose of preserving, main- g, and improving the parks and grounds under the con- such board of park commissioners. All moneys collected ting from the said tax shall be paid by the tax collector, or officer collecting the same, into the treasury of said city and county, and shall be deemed to be thereupon priated and set apart for the maintenance, preservation, provement of said parks and grounds, and shall be paid the treasurer upon warrants signed by a majority of id board of park commissioners, and audited by the au- d such city or city and county.

RAILROADS.

[granting the right of way and station grounds to the South- California Railway Company over a portion of the asylum unds in the county of San Bernardino.

[Approved March 9, 1889. Stats. 1889, p. 121.]

TION 1. There is hereby granted to the Southern Califor- ailway Company, a corporation organized under the laws state of California, for railway purposes and station ds, a strip of land two hundred (200) feet wide, one hun- nd twenty-five (125) feet thereof lying to the north of the line of the railroad track as now constructed and seven- ve (75) feet thereof to the south of said center line across uthwest corner of the southwest quarter of section r-nine, township one north, range three west, San Ber- no base and meridian. Said strip of land two hundred ept wide commencing at the western boundary of the west quarter of section twenty-nine, and continuing and on each side of the center line of said railroad as onstructed, to the south boundary of said quarter sec- the above tract of land being hereby granted to said rail- ompany for its tracks, side-tracks, station grounds, and ngs. There is also hereby granted to said railway com-



pany a right of way fifty (50) feet wide, twenty-five (25) feet thereof on each side of and parallel to the center line of the railroad of said company as now constructed, over the east half of the northwest quarter of section thirty-two, township one north, range three west, San Bernardino meridian. *Provided, always*, and this grant is made upon the express condition, that said railway company shall keep and maintain a station for receiving and discharging passengers and freight on the grounds above described as station grounds, *and provided also*, that the state of California, through the board of directors of said asylum, hereby reserves the right to lay and construct across said grounds and right of way herein granted all necessary and proper flumes and water pipes for the distribution of water, same to be laid and constructed with notice to and under the supervision of the chief engineer of the California Southern Railway Company or its successors.

SEC. 2. There is also hereby granted to the said railway company the right to maintain its switch as now constructed from the main line of road where it crosses said asylum grounds to the northerly side of the asylum building now in process of construction, for the purpose of handling material over said switch, for the use of said asylum, but this last grant shall terminate upon the adoption by the board of directors of said asylum of a resolution declaring the use of said switch no longer necessary, and within ninety days after the passage of said resolution and its service upon said railway company said switch shall be taken up and removed by said railway company, and at its own expense

SEC. 3. This act shall take effect and be in force from and after its passage.

RAMIE CULTURE.

An act to encourage the cultivation of ramie in the state of California, to provide a bounty for ramie fiber, and to make an appropriation therefor, to appoint a state superintendent of ramie culture, and make an appropriation for his salary.

[Approved March 31, 1891, Stats 1891, p. 283.]

SECTION 1. For the purpose of encouraging the cultivation of ramie in the state of California, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the forty-third fiscal year the sum of five thousand dollars, and for the forty-fourth fiscal year the sum of five thousand dollars

SEC. 2. Said appropriation shall be under the direction and control of the state board of agriculture, and may be expended as said society may direct, either for the purchase of ramie roots for free distribution to farmers, or in the payment of a bounty for merchantable ramie fiber; but no greater sum than one thousand dollars shall be paid in any one year for the purchase of ramie roots, and no greater amount than one cent per pound shall be paid as a bounty for merchantable ramie fiber. Any portion of said appropriation for the forty-third fiscal year remaining unexpended may be used by the state board of

agriculture for the payment of bounties during the forty-fourth fiscal year

SEC. 2. The state controller shall draw his warrant upon the state treasurer for the amount appropriated for each fiscal year in favor of said state board of agriculture, or the proper officers thereof in the same manner as other appropriations are drawn upon and paid to said state board of agriculture, and the treasurer shall pay the same

SEC. 4. Immediately after the passage of this act the state board of agriculture shall appoint a state superintendent of ramie culture who shall hold office for two years from the first day of March eighteen hundred and ninety-one or from the date of his appointment. It shall be his duty from time to time to visit the different portions of the state suitable for ramie culture, to confer and advise with farmers of the state, board of agriculture and others in regard to the introduction and cultivation of the ramie plant. He shall collect statistics and other information about the condition and progress of the ramie culture through the United States, and shall correspond with various societies and individuals both at home and abroad who are engaged in the promotion of the ramie culture and shall prepare a full report thereof to be made to the state board of agriculture annually for their publication. The state superintendent of ramie culture shall receive a salary of one hundred dollars per month, to be paid by warrants drawn by the state controller, and paid by the state treasurer, in the same manner as the salary of other state officers is paid. Said salary of one hundred dollars per month shall be in full for all expenses, traveling and otherwise of said superintendent of ramie culture except necessary stationery for conducting the official business and correspondence of his office which shall be furnished by the secretary of state in the same manner as furnished to other state officers. The office of state superintendent of ramie culture shall cease with the appropriations made in this act.

SEC. 5. For the payment of the salary of the state superintendent of ramie culture there is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the forty-second fiscal year the sum of four hundred dollars, for the forty-third fiscal year the sum of twelve hundred dollars, and for the forty-fourth fiscal year the sum of eight hundred dollars.

SEC. 6. This act shall take effect immediately.

RED BLUFF

An act to amend sections eight, eighteen, twenty-one, and twenty-three of an act entitled "An act to incorporate the town of Red Bluff, Tehama County, California," approved March, 1876, and amended March, 1878

[Approved March 17, 1891. Stats. 1891, p. 118.]

SECTION 1. Section eight of said act is hereby amended so as to read as follows:

SECTION 8. There shall be elected at the annual election

election persons to fill the offices provided by this act, viz., a sanitary assessor, and five members of the sanitary board, will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

SEC. 3. A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

SEC. 4. The board of supervisors, at any time prior to the election, shall select one polling place within the proposed district, and make all suitable arrangements for the holding of such election. The tickets shall contain the words "For a sanitary district," or "Against a sanitary district," as the case may be, and the name of a person for sanitary assessor, and the names of five persons for members of the sanitary board. Such election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the district. If a majority of the votes cast shall be against a sanitary district, the board shall, by order, so declare; no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition.

SEC. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct and maintain and keep clean such sewers and drains as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire, by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of every kind which, in the judgment of the sanitary board, shall be neces-

sary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds, or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewer and drains in any public street or road of the county, and for this purpose to enter upon the same and make all necessary and proper excavations, restoring the same to proper condition, but in case such street or road shall be in an incorporated city or town, the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage and the cleanliness of the roads and streets of the district, and for the purpose of guarding against the spread of contagious and infectious diseases, and for the isolation of persons and houses affected with such diseases, and for the notification of the other inhabitants of the existence thereof, and all other sanitary regulations not in conflict with the constitution and laws of the state; to impose fines, penalties, and forfeitures for any and all violations of its regulations and orders, and to fix the penalty thereof by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed one month; to call, hold, and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and collecting taxes for sanitary purposes, except as is otherwise provided herein; to compel all residents and property-owners within the district to connect their houses and habitations with the street sewers and drains; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purpose for which it was formed.

SEC. 6. The officers of the district shall be a sanitary assessor and five members of the sanitary board.

SEC. 7. There shall be an election for sanitary assessor on every even-numbered year in which members of the sanitary board are elected, and at the same time, place, and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was formed shall hold office until the election and qualification of his successor; *provided*, that if at any time a vacancy occur in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act.

SEC. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district. Such list shall contain a *brief* and general description of the

property, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board, and such matters as shall be necessary to make such list conform to the provisions of the general laws of the state of California. The land shall be assessed separately from the improvements thereon. No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

SEC. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act, and three of them in the second odd-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. All elections for officers after the formation of the district shall be on the first Monday after the first Tuesday in the month of March. The members of the sanitary board shall receive no compensation whatever, either for general or special services.

SEC. 10. The sanitary board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance, as herein provided. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and another of its members as secretary; and all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The board shall hold such meetings, either in the day or in the

evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both, as the case may be.

SEC. 11. The sanitary board shall sit as a board of equalization as soon as it receives the assessor's list, or as soon thereafter as practicable, and shall continue in session as such board, with convenient intermissions, until the entire list furnished by the assessor shall have been examined and rectified, if rectification be necessary. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation, the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply; but no more than seventy-five thousand dollars of bonds shall be voted for or issued at any one time, nor shall the bonded indebtedness of the district ever exceed the sum of seventy-five thousand dollars at any one period, whether it be made up of one issue of bonds or of several issues.

SEC. 12. On or before the first Monday in July of each year, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector and the sureties on his official bond shall be responsible for the due performance of the duties imposed on him by this act; *provided*, that the sanitary board may, in its discretion, direct the district attor-

property, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board, and such matters as shall be necessary to make such list conform to the provisions of the general laws of the state of California. The land shall be assessed separately from the improvements thereon. No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

SEC. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act, and three of them in the second odd-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. All elections for officers after the formation of the district shall be on the first Monday after the first Tuesday in the month of March. The members of the sanitary board shall receive no compensation whatever, either for general or special services.

SEC. 10. The sanitary board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance, as herein provided. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and another of its members as secretary; and all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The board shall hold such meetings, either in the day or in the

evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both, as the case may be.

SEC. 11. The sanitary board shall sit as a board of equalization as soon as it receives the assessor's list, or as soon thereafter as practicable, and shall continue in session as such board, with convenient intermissions, until the entire list furnished by the assessor shall have been examined and rectified, if rectification be necessary. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation, the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply; but no more than seventy-five thousand dollars of bonds shall be voted for or issued at any one time, nor shall the bonded indebtedness of the district ever exceed the sum of seventy-five thousand dollars at any one period, whether it be made up of one issue of bonds or of several issues.

SEC. 12. On or before the first Monday in July of each year, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector and the sureties on his official bond shall be responsible for the due performance of the duties imposed on him by this act: *provided*, that the sanitary board may, in its discretion, direct the district attor-

ney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he and the sureties upon his official bond shall be responsible for the due performance of the duty imposed upon him by this act; *and provided further*, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer.

SEC. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury, as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board, and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act. The treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

SEC. 14. At any time after the district is organized, the sanitary board may, by order entered in the minutes, call an election for the purpose of determining whether bonds shall be issued for the construction of sewers. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purpose for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within the district, and shall be published for four successive weeks prior to the election in some newspaper

published within the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

SEC. 15. At any time prior to the day fixed for the election, the board shall select one polling place within the district, appoint officers of election, and make all necessary and proper arrangements for holding the election. The tickets shall contain the words "For the issuance of bonds as proposed by the sanitary board," or "Against the issuance of bonds as proposed by the sanitary board." The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector, resident within the district for the length of time necessary to enable him to vote at a general election, shall be entitled to vote at the election above provided for. After the votes cast shall have been counted by the officers of election, and the result announced, the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which shall, as soon as practicable, proceed to canvass the same, and shall enter the result upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the facts stated in such entry. If, at such election, two thirds of the qualified electors of the district voted in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

SEC. 16. Such bonds shall be in sums of one thousand dollars each, payable in gold coin of the United States, and shall bear interest at the rate of five per cent per annum, payable semi-annually, at dates to be fixed by the board, and specified, respectively, in the bonds and coupons, payable in like gold coin. The principal of each bond shall be payable in installments of one twentieth of the face of the bond, and one of such installments shall fall due at the end of each year, so that the whole principal shall be paid in twenty years from the issuance of the bond. Each bond shall refer to this act by its title and the date of its approval by the governor, and shall be payable to bearer; but every person into whose hands any bond or coupon shall come shall be deemed to have notice of any and all payments that have actually been made thereon. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board. The bonds shall be numbered consecutively, beginning with the number one. Each coupon shall refer to its bond by number, and shall be signed by the president and countersigned by the secretary. No bond shall be redeemed before it is due without the consent of the holder thereof, nor shall the rate of interest on any bond be reduced or the bonds be refunded without the consent of the holder thereof. When any payment of any installment of interest is made, the coupon therefor is directed to be surrendered to the county treasurer, and to be canceled by him; and when any installment of principal is paid, such payment is directed to

be indorsed upon the bond by such treasurer; and when the whole principal of any bond is paid, the bond is directed to be surrendered to the treasurer and to be by him canceled. The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by said board, in its discretion, but no bond must be disposed of for less than its face value. The proceeds of such sales shall be deposited with the county treasurer, and shall be by him placed in a fund to be called the sewer construction fund of —— sanitary district (naming it). The money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose: *provided*, that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act. If the result of the election be against the issuance of bonds, no other election upon the question shall be called or held for the period of one year.

SEC. 17. It is hereby made the duty of the sanitary board to levy, each year, upon the property within the district, a sufficient tax to pay off the interest accruing upon said bonds for the respective year, as it falls due, and also to pay one twentieth of the principal of said bonds, so that the entire amount of principal and interest of said bonds shall be paid within twenty years from the date of the issuance of said bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary taxes, to collect the said taxes so to be levied, and the duty of the sanitary board to order the same to be paid, in manner and form as provided by this act, and the duty of the county treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to the levy for the next year, and be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within twenty years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and board to do his respective part towards the levy, collection, and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court, upon application of any party interested, for the purpose of compelling the performance of the duty imposed by this act upon any and all officers or boards.

SEC. 18. If the result of any election upon the question of the issuance of bonds be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence, in the superior court of the county, a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceeding in relation to irrigation bonds, provided for by an act entitled "An act supplemental to an act entitled 'An act to provide for the organization and

government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said act," and the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable, and said proceedings shall be in accordance with the provisions of said act, so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation districts under the provisions of said act.

SEC. 19. Any general regulation of the sanitary board shall be by order entered in the minutes, but such order shall be published once a week for one week in some newspaper published within the district, if there be one, and if there be no such newspaper, then such order shall be posted for one week in three public places within the district. A subsequent order of the board that such publication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted, unless otherwise provided by this act. It shall be entered in the minutes, and the entry shall be signed by the secretary of the board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

SEC. 20. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said district attorney for advice as to any sanitary subject, and it shall be the duty of the district attorney to obey such instructions and to give advice when required of him by the board, or either. The board may at any time employ special counsel for any purpose. All moneys for the violation of any regulation or order of the sanitary board shall, after the expenses of the prosecution are paid therefrom, be paid to the secretary of the board, who shall forthwith deposit the same with the county treasurer, who shall place the same in the running expense fund of the district.

SEC. 21. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district shall vest in any incorporated city or town that may at said time be in occupation of a considerable portion of the territory of the district, and if there be no such incorporated city or town, then the property shall be vested in the board of supervisors of the county until the formation of such a city or town: *provided, however*, that if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such

district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is it is dissolved until such bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the legislative authority of said incorporated city or town, or the board of supervisors, if there be no such incorporated city or town, is hereby constituted ex officio the sanitary board of such district, and it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided.

SEC. 20. The sanitary board shall have power, at any time after main sewers or other sewers are laid, to order and contract for the construction of a sewer in any street of the district where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer so ordered; and in case such order is made, the said cost shall be assessed on the lots and lands fronting on such sewer, according to the provisions of the general law of the state in relation to street improvements in incorporated cities and towns, in force at the time such assessment is made, so far as the same shall be applicable, and the lien of the assessment so made shall be enforced by action to be brought by the district attorney of the county, in the name of the sanitary district: *provided*, that nothing in this section contained shall be construed to take away or impair the power of the board to provide that the expenses of the sewers above provided for shall be borne by the whole district, as in other cases.

SEC. 21. All acts and parts of acts in conflict with this act, or any portion thereof, are hereby repealed.

SEC. 22. This act shall take effect immediately.

SAN JOSE.

An act to amend an act entitled "An act to reincorporate the city of San Jose," approved March 17, 1874.

[Approved March 11, 1891. Stats. 1891, p. 97.]

SECTION 1. Section sixty-seven (67) of the act the title of which is recited in the title hereof is hereby amended to read as follows:—

Section 67. All that certain tract or parcel of land situated and lying in the county of Santa Clara, and state of California, and being a portion of the pueblo lands of the city of San Jose, and commonly known as the "city reservation," and containing four hundred acres and fifty five hundredths of an acre of land, as surveyed by J. J. Bowen, county surveyor of Santa Clara County, March twenty-eighth (28) and twenty-ninth (29), eighteen hundred and sixty-seven (1867), is hereby declared a public park, and the mayor and common council of said city are hereby authorized and empowered to pass such ordinances as may be necessary for the preservation of such reservation

or park for public use; but said mayor and common council shall have no power to sell or dispose of or alienate the said park or reservation: *provided, however*, that the said mayor and common council may lease the same for a term not exceeding twenty years, upon such terms and conditions as they may deem proper; but such lease shall not authorize or permit any use or disposition of said park or reservation as to prevent the free use thereof, during the existence of said lease, by the people of said city, as a public park.

SEC. 2. This act shall take effect immediately.

SCHOOLS OF INDUSTRY.

An act to appropriate money for the completion of the building of the Preston school of industry at Ione, and for furnishing and equipping the same.

[Approved March 3, 1893; Stats. 1893, p. 65.]

SECTION 1. The sum of one hundred and forty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the state board of prison directors for the purpose of constructing and completing the building of the Preston school of industry at Ione, and for purchasing furniture, machinery, supplies, and appurtenances therefor, and for such other objects, material, or purposes as may be necessary or convenient for the use and occupancy of the said Preston school of industry at Ione.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the state board of prison directors for the amount appropriated in section one of this act, and the state treasurer is hereby directed to pay the said warrants.

SEC. 3. This act shall be construed as the sole and exclusive act on the subject-matter contained herein, unless and except specially or otherwise provided for in an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine; and no other act, unless herein specially referred to, shall apply or govern or limit this act, or any of the powers or duties in this act conferred upon the said state board of prison directors.

SEC. 4. This act shall take effect and be in force from and after its passage.

An act to amend an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

[Approved February 27, 1893; Stats. 1893, p. 39.]

SECTION 1. Section three of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation

therefor," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:—

Section 3. The general government and supervision of said school shall be vested in a board of trustees, consisting of three citizens of the state of California, who shall be appointed by the governor. The members of said board shall hold their offices for the respective terms of two, three, and four years, from the first day of July, eighteen hundred and ninety-three, and until their successors shall be appointed and qualified, said respective terms to be designated in their appointments; and thereafter, upon the expiration of such terms, there shall be one of said board appointed, whose term of office shall be continued four years, and until his successor is appointed and qualified. Said trustees, before entering on the discharge of the duties of their office, shall each take an oath faithfully to discharge the same.

SEC. 2. Section six of said act is hereby amended so as to read as follows: —

Section 6. No member of the board or employee of the institution shall be interested in any contract or enterprise in connection with said school.

SEC. 3. Section nine of said act is hereby amended so as to read as follows :—

Section 9. The said school shall be conducted on such plan as to the board may seem best calculated to carry out the intentions of this act, and its inmates shall be subject to military discipline, including daily drill. They shall be clothed in military uniform of such pattern and material as may be prescribed by the board, but under no circumstances shall such inmates be clothed in convict stripes while undergoing commitment in said school.

SEC. 4. Section ten of said act is hereby amended so as to read as follows: —

Section 10. The members of the board shall receive no compensation for their services, but shall be allowed their reasonable expenses incurred while in the discharge of their official duties. The superintendent shall receive a salary, to be fixed by the board, not to exceed three thousand dollars per annum. The military instructor shall receive a salary, to be fixed by the board, not to exceed twelve hundred dollars per annum. The secretary and commissary shall each receive a salary, to be fixed by the board, not to exceed fifteen hundred dollars per annum. The salary of no other officer or employee of the school shall exceed twelve hundred dollars per annum. The power of the board to fix the compensation of the officers and employees, as provided in section twelve of this act, shall be subject to these limitations.

SEC. 5. Section fourteen of said act is hereby repealed.

SEC. 6. Section twenty-two of said act is hereby amended so as to read as follows: —

Section 22. The board of trustees are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and other staple supplies of the school for any period of time not exceeding one year, and such contracts shall be lim-

lted to bona fide dealers in the several classes of articles contracted for. Contracts for such articles as the board may desire to contract for shall be given to the lowest bidder at a public letting thereof, and if the price bid is a fair and reasonable one, and not greater than the usual market value and prices. Each bid shall be accompanied by such security as the board may require, conditioned upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a bond, with good and sufficient sureties, in such sum as the board may require, and to their satisfaction, that he will faithfully perform his contract. If the proper officer reject any article as not complying with the contract, or if a bidder fail to furnish the articles awarded to him when required, the proper officer of the school may buy other articles of the kind rejected or called for, in the open market, and deduct the price thereof over the contract price from the amount due to the bidder, or charge the same up against him. Notice of the time, place, and conditions of the letting of contracts shall be given for at least two consecutive weeks in one newspaper printed and published in the city and county of San Francisco, in one newspaper printed and published in the city of Sacramento, and in one newspaper printed and published in the county of Amador. If all bids made at such letting are deemed unreasonably high, the board may, in their discretion, decline to contract, and may again advertise for such time and in such papers as they see proper for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the mean time the board may contract with any one whose offer is regarded just and equitable, or may purchase in the open market. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the board may select the one which, all things considered, may by them be thought best for the interest of the state, or they may divide the contract between the bidders, as in their judgment may seem proper and right. The board shall have power to let a contract in the aggregate, or they may segregate the items and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The board shall have the power to reject the bid of any person who had a prior contract, and who had not in the option of the board faithfully complied therewith.

SEC. 7. For the purpose of preventing any inconvenience arising from the transfer of the power of superintendence and government of said school from the state board of prison directors to said board of trustees, this act shall, after the first day of July, eighteen hundred and ninety-three, confer and devolve upon said board of trustees all the powers, duties, and responsibilities conferred or devolved upon the state board of prison directors, by virtue of any act heretofore passed or that may be passed in relation to said school at the present session

of the legislature, and said board of trustees shall, so far as the government and control of said school or any appropriation relating thereto is concerned, become and remain the successors of said state board of prison directors.

SEC. 8. This act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-three.

SCHOOL OF REFORM.

An act to provide for the improvement of the reform school at Whittier, California, for juvenile offenders, and make an appropriation for the same.

[Approved April 6, 1891; Stats. 1891, p. 484.]

SECTION 1. The sum of one hundred and twenty-one thousand four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, to be paid to the trustees of the reform school for juvenile offenders, and by them expended as follows: For laundry machinery, consisting of rack iron dry-room with double coils, washers, extractors, mangles, tier-stoves, engine, soap-tanks, tubs, shaftings, pulleys, hangers, belting, etc.; for brick engine and boiler-house: for cement floors for laundry-room, dynamo-room, and engine-room; for hydraulic passenger and freight elevators, with accumulators, condensers, and pumps; for oil-burning plant, consisting of oil-house, oil-tank, air-compressor for oil burning, oil and air accumulator, oil-burners, oil pipe-line from railroad; for deep well-pump, capacity two thousand gallons per hour; for radiators, coils, and everything complete for steam-heating industrial building, administration building, and girls' cottage; for incandescent electric-light plant complete for lighting industrial building, girls' cottage, and administration building, consisting of electroliers, dynamos, and arc-lights; for power plant, consisting of two tubular boilers, two fifty horse-power engines, two duplex boilers, feed-pumps, and all fitting complete; total, fifty thousand dollars. For furnishing and equipping administration building and girls' cottage, twenty-five thousand dollars; for sewerage, one thousand dollars; for asphaltum or cement in court and walks around administration building, one thousand five hundred dollars; for water pipe-lines and the construction of reservoir and piping water, ten thousand dollars; for fitting up industrial building with tools and machinery for systematic instruction in the trades, five thousand dollars; for one hundred and twenty acres of land, in accordance with bond dated July twenty-third, eighteen hundred and eighty-nine, twenty-six thousand four hundred dollars; for stock, vehicles, and agricultural implements, two thousand five hundred dollars.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant for said amounts, upon the demand of the trustees of the reform school for juvenile offenders, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect from and after its passage.

An act making an appropriation to pay the deficiency in the appropriation for the support of the reform school for juvenile offenders at Whittier, for the forty-third and forty-fourth fiscal years.

[Approved March 23, 1893; Stats. 1893, p. 192.]

SECTION 1. The sum of one hundred and six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the reform school for juvenile offenders at Whittier, for claims approved and to be approved by the state board of examiners, for the forty-third and forty-fourth fiscal years.

SEC. 2. The controller is hereby authorized to draw his warrants for the amount herein made payable, in such amounts and at such times as may be approved by the said state board of examiners, and the treasurer directed to pay the same.

SEC. 3. This act shall take effect immediately.

An act to amend an act entitled "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said act, and by amending sections one, four, seven, eight, nine, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty thereof, and by adding three new sections thereto, to be numbered, respectively, sections sixteen a, sixteen b, and sixteen c, relating to a change in the name of the institution and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the state school located and established under the aforesaid act, and now maintained by the state of California, at Whittier, in the county of Los Angeles therein.

[Approved March 23, 1893; Stats. 1893, p. 328.]

SECTION 1. The title of said act is hereby amended to read as follows: "An act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the state of California, to be known as 'the Whittier state school.'"

SEC. 2. Section one of said act is hereby amended to read as follows: —

Section 1. There shall be established and maintained in this state, and located at Whittier, in the county of Los Angeles, an institution for the discipline, education, employment, reformation, and protection of juvenile delinquents in the state of California, to be known as "the Whittier state school"; and in all judicial, official, or other proceedings, and in all contracts, transfers, or other instruments in writing, the above name shall be deemed a sufficient designation of said institution.

SEC. 3. Section four of said act is hereby amended to read as follows: —

Section 4. The said board of trustees are hereby empowered with full power and authority to select a site for the permanent location of said school in the county of Los Angeles. Said trustees shall, within thirty days after their appointment and qualification, examine the different sites offered by the people of the county of Los Angeles for the location of the said school, and select therefrom a suitable location for said buildings; and the site selected by them shall be and remain the permanent site for said school; said site to contain not less than forty nor more than one hundred and sixty acres, giving preference, other things being equal, to a location central and easy of access from all parts of the county or state; *provided*, that no buildings shall be commenced or erected in said county of Los Angeles until a deed in fee simple of the land selected by the said board of trustees shall be made to the state, and recorded in the records of the county recorder of said Los Angeles county, and said deed deposited in the office of the secretary of state.

SEC. 4. Section seven of said act is hereby amended so as to read as follows: —

Section 7. The board shall make all needful rules and regulations concerning their meetings and the modes of transacting their business; shall take charge of said institution to see that its affairs are properly conducted, that strict discipline is maintained, and that suitable employment and education are provided for its inmates. They are authorized to make contracts for the purchase of furniture, apparatus, tools, stock, provisions, and everything necessary to equip the institution for the purposes herein specified, and to maintain and operate the same; *provided*, said board shall incur no expense nor contract any debt beyond appropriations made or donations given for the said school, and then only in such manner as may be prescribed by the act of appropriation or the instrument of donation.

SEC. 5. Section eight of said act is hereby amended so as to read as follows: —

Section 8. The board shall annually elect from their own number a president and a vice-president, whose term of office shall be for one year, and until their successors shall be duly appointed and qualified. They shall also elect a treasurer, not one of their own number, whose term of office shall be for two years and until his successor shall be duly elected and qualified, who shall be at all times subject to removal by the board for good cause.

SEC. 6. Section nine of said act is hereby amended to read as follows: —

Section 9. The board shall appoint a superintendent of said school, not of their own number, whose salary shall be fixed by said board, not to exceed three thousand six hundred dollars per annum, and shall also appoint such other officers and such assistants as the wants of the institution may from time to time require, and shall prescribe their duties and fix their salaries, as may be reasonable.

SEC. 7. Section fourteen of said act is hereby amended so as to read as follows: —

Section 14. Said board of trustees shall arrange the building or buildings to be used for said school, and the grounds about the same, so that a portion thereof may be used for the proper confinement, care, and education of the male inmates, and the remaining portion for the proper confinement, care, and education of the female inmates, and to the absolute exclusion of all communication of any kind or character between the sexes.

SEC. 8. Section fifteen of said act is hereby amended so as to read as follows: —

Section 15. Whenever said institution shall have been so far completed as to properly admit of the reception of inmates therein, the governor shall make due proclamation of that fact; and thereafter it shall be lawful for said board of trustees to receive into its care and guardianship minors between the ages of eight and eighteen years committed to its custody, as hereinafter provided.

SEC. 9. Section sixteen of said act is hereby amended to read as follows

Section 16 When any boy or girl between the ages of eight and eighteen years shall be found guilty by a superior court of any county in the state, and who, in the opinion of such court, would be a fit subject for commitment to the said school, it shall be lawful for the said court to suspend judgment or sentence (except when the penalty is life imprisonment or death), and to commit such minor to the said school for a period embracing his or her minority, unless sooner discharged by law, or as in this act provided; but no minor who is under the age of eight years, or who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said school, shall be committed to said school; *and further provided*, that no such minor shall be committed to said school unless the judge of such court shall be fully satisfied that the mental and physical condition and qualifications of said minor are such as to render it probable that such minor will be benefited by the reformatory and educational discipline of said school. The board of trustees of said school shall have authority to make rules reducing, as the reward for good conduct, the time for which such person or persons have been committed. It shall be the duty of all courts committing any minor to such school, to certify to the superintendent thereof the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court, or in such manner as the court may direct.

SEC. 10. A new section is hereby added to said act, which section shall be numbered sixteen *b*, and shall read as follows:—

Section 16 *b*. It shall be lawful for the board, whenever it may deem any inmate of said institution to have been so far reformed as to justify his discharge, to give him an honorable dismissal, and to cause an entry of the reasons for such dismissal to be made in the book of records prepared for that purpose. All persons *thus honorably* dismissed, and all those who

shall have served the full term of their respective sentences, shall thereafter be released from all penalties and disabilities resulting from the offense or crime for which they may have been committed. Upon the final discharge of any inmate, as in this section provided, the superintendent, where any sentence or judgment was previously suspended, as mentioned in section sixteen of this act, shall immediately certify such discharge, in writing, and shall transmit the said certificate to the court by which such person was committed, and said court shall thereupon dismiss the accusation, and the action pending against said person.

SEC. 11. A new section is hereby added to said act, which section shall be numbered sixteen *c*, and shall read as follows:—

Section 16 *c*. The board shall have authority also to issue certificates of conditional dismissal and parole to any worthy minor confined in the institution, on the following conditions: It may bind such minor by articles of indenture to any suitable person who will engage to educate him, and to instruct him in some useful art or trade, or it may return him to his parents, or it may place him under the care of any reputable person who is a citizen and a resident of this state, after such person, parent, guardian, or resident citizen shall have become bound to the said board, with good and sufficient sureties, conditioned on the proper custody, care, education, and moral and industrial training of the said paroled minor. The time of such conditional release shall be made subject to good behavior and continued reformation on the part of the person thus paroled. Any minor who violates his parole, or who becomes habitually disobedient and incorrigible, may be returned to the said school to serve the unexpired term of his sentence, on complaint of his guardian and the written requisition of the superintendent of said school. Every paroled minor who properly observes and obeys the condition of his parole until the date of the expiration of his term of commitment shall be entitled to all the benefits and immunities in this act provided. If at any time it shall be determined by the board of trustees of said school, to its satisfaction, that any minor who may have been committed to the care or guardianship of any third person, as in this section previously provided, is not being properly treated or cared for, according to the terms and conditions under which such minor was intrusted to said third person, then by a resolution of the said board entered upon its minutes, and upon the requisition of the superintendent of said institution issued thereon, the said minor may be recalled to said school, and he or she shall be released from all obligations to such third person; and in such case the said board shall have the right to maintain all necessary actions or proceedings against the said third person and his bondsmen to recover the penalty in whatever bonds may be given by reason of the failure of said third person to perform the conditions under which said minor was intrusted to his care; and in the event of minors who may have been bound out by the said board of trustees by articles of indenture, the said board shall

institute and maintain all proper actions and proceedings to cancel and annul said articles of indenture.

SEC. 12. A new section is hereby added to said act, which section shall be numbered section sixteen *d*, and shall read as follows: —

Section 16 *d*. Any minor who shall, during the time of his or her commitment, be found incorrigible, or who shall be, in the judgment of the board of trustees of said school, determined to be an improper subject for detention in said school, may be returned to the court by which said minor was committed, and upon written complaint of the said board, attested by the superintendent of said school, and filed with the original complaint, it shall be the duty of said court to enter judgment and pass such sentence as would have been lawful at the time when the said minor was first committed to the said school.

SEC. 13. Section seventeen of said act is hereby amended so as to read as follows: —

Section 17. If any accusation of the commission of any crime shall be made against any minor under the age of eighteen years before any grand jury, and the charge appears to be supported by evidence sufficient to put the accused upon trial, the grand jury may, in their discretion, instead of finding an indictment against the accused, return to the superior court that it appears to them that the accused is a suitable person to be committed to the care and guardianship of said institution; the court may thereupon order such commitment, if satisfied from the evidence that such commitment ought to be made, which examination may be waived by the parent or guardian of such minor.

SEC. 14. Section eighteen of said act is hereby amended to read as follows: —

Section 18. If any minor between the ages of eight and eighteen years shall be arraigned for trial in any court having competent jurisdiction, on a charge of any violation of any criminal law of this state, except for the commission of a capital offense, or an attempt to commit a capital offense, the judge may, in his discretion, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution, and commit the accused to the care and guardianship of this institution.

SEC. 15. Section nineteen of said act is hereby amended so as to read as follows: —

Section 19. All minors between the ages of eight and eighteen years, who may be accused of any offense punishable by imprisonment, shall, with a view to the question whether they ought to be committed to said institution, be entitled to a private examination and trial before a court having competent jurisdiction, to which only the parties to the case and the parent or guardian of the accused and their attorneys shall be admitted, unless one of the parents, the guardian, or other legal representative of the minor demand a public trial; in such case, the proceedings shall be in the usual manner.

SEC. 16. Section twenty of said act is hereby amended so as to read as follows:—

Section 20. It shall also be lawful for the said board of trustees, under such rules as they may prescribe, to receive into the care and guardianship of said institution, whenever it may be convenient so to do, minors between the ages of eight and eighteen years, committed to custody in any of the following modes:—

1. Minors committed by any judge of a superior court of this state on the complaint in writing, filed and due proof thereof made by the parent or guardian of such minor, showing that by reason of the incorrigible and vicious conduct or nature of such minor he is beyond the control and power of such parent or guardian, and that from a regard for the future welfare of such minor and the protection of society it appears that such minor should be placed in the care of such institution.

2. Minors committed by any judge of the superior court of this state where complaint in writing has been filed and due proof of the same has been made showing that such minor is a proper subject for the care and guardianship of such institution, in consequence of vagrancy or of incorrigible or vicious conduct, in cases where, from moral depravity or otherwise, the parent or guardian having the control of such minor is incapable of exercising or is unwilling to exercise the proper care or discipline over such minor, or in cases where such minor has no parent, guardian, or other protector.

3. Minors committed by any judge of the superior court of this state where complaint in writing has been filed and due proof of the same has been made by the mother or guardian, when the father is dead or has abandoned his family, or is an habitual drunkard, or does not provide for the support of such minor, and it appears that such minor is destitute of a suitable home and of adequate means of obtaining an honest living, or is in danger of being brought up to lead an idle and immoral life, and where such mother or guardian is unable to provide the proper support and care for such minor.

SEC. 17. Section twenty-one of said act is hereby amended to read as follows:—

Section 21. Before conveying minors to said institution, the person or persons having charge of said minors shall ascertain from the superintendent whether they can be received; and if they cannot, then the case of such minors shall be disposed of as if this act had never been passed and no proceedings taken under it.

SEC. 18. Section twenty-three of said act is hereby amended to read as follows:—

Section 23. Upon the discharge of any person committed to said school, the superintendent thereof, under such regulations and restrictions as the said board of trustees may prescribe, may provide such person with suitable clothing and five dollars in money, and procure transportation for such person to his or her home, if resident in this state, or to the county to which he or she may have been committed, at his or her option.

SEC. 19. Section twenty-four of said act is hereby amended so as to read as follows:

Section 24. Said board of trustees shall with the approval of the governor estimate and determine as near as may be, the actual expenses per month of keeping and taking care of each [illegible] committed to said institution not including the use of grounds and buildings, and shall furnish a statement of such estimated price in each biennial report to the governor. Where any minor is committed to such institution as to the charge of his or her parent or guardian or other protector the cost of keeping said minor, including the cost of transporting to and from the institution, shall be chargeable paid by such parent or guardian, unless by reason of the poverty of such parent or guardian or other good cause said board of trustees shall otherwise order and direct. In such case such expense, including the cost of transportation, shall be borne one half by the county from which such minor is committed, and the remaining one half shall be borne by the state, and in every case where a minor who has no parent, guardian or other protector who is able to pay the cost of transportation to and cost of maintenance at said school is committed thereto such cost of transportation and maintenance of such minor shall be borne one half by the state and the other half by the county from which said minor is committed. The expenses which any county may be liable to pay on account of any minor committed to said institution under the provisions of this act shall be paid by the board of supervisors into the state treasury on a verified and detailed statement as to the amount due therefor from such county being furnished to the auditor of the county by said superintendent, but in no case shall the amount charged to any county for the keeping of any minor exceed one half of the estimated cost of the support of his or her support, exclusive of charges of the permanent property of the institution. All moneys paid by such counties under the provisions of this section into the state treasury shall be placed in a fund, to be designated and known as the "Whittier reform school fund," for the use of said institution, provided, however, that no order shall be made by said board of trustees charging any county with one half of the cost of keeping in the institution any minor committed at the instance of his or her parent or guardian or other protector, unless a certificate in writing to that purpose signed by the president of the board of supervisors of such county setting forth that the case is one in which the expense should be charged to the state and county, and also setting forth the reasons for their being so charged.

SEC. 20. Section twenty-six of said act is hereby amended so as to read as follows:

Section 26. If any person procures the escape of any person committed to the school of reform or consents to aid or assist in such escape or escapes, any such person so committed after such escape be taken upon conviction hereof in any superior court be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in

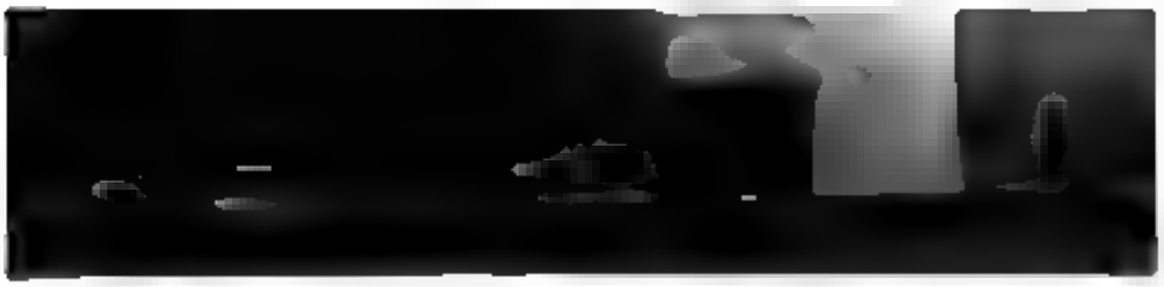
the county jail not less than two months nor more than one year, or by both such fine and imprisonment; or, if such person so convicted be under the age of sixteen years, then he shall be sentenced to the school, as in this act provided.

SEC. 21. Section twenty-seven of said act is hereby amended so as to read as follows:—

Section 27. If any parent, or guardian, or master to whom a minor has been apprenticed, or any person occupying the position of parent, protector, or guardian, in fact or in reality, by blood or marriage, nor more remote than first cousin to such minor, shall feel aggrieved by such commitment to such institution when such commitment has been made under section twenty of this act, he may make written application to the board of trustees of the institution for the discharge of such minor, which application shall be filed with the superintendent, who shall inform the trustees thereof, and the same shall be heard and determined by such trustees at such time and place as they shall appoint for that purpose, not later than the next regular meeting of the board. Such application shall state the grounds of the applicant's claim to the custody of the minor, and the reasons for claiming such custody. Within ten days after hearing said application, the trustees shall make and announce their opinion thereon, and if they shall be of the opinion that the welfare of such minor would be promoted by granting the application, they shall make an order to that effect; otherwise, they shall deny the application. The applicant may, upon the denial of his application, by first giving security for the payment of all costs (the security to be approved by the clerk of the proper court), commence an action in the superior court of the county in which the institution may be situated, for the recovery of the custody of such minor, against the trustees of such institution. The complaint in said action shall state the fact and manner of the minor's commitment to the said institution, the making of the applicant's application to the trustees for the custody of such minor, and the overruling of such application by such trustees, as well as the ground upon which the applicant relies for the recovery of the custody of such minor. Said action shall be prosecuted in like manner as other civil actions, and the cost thereof shall be paid by the applicant without reference to the result of the action, unless the court shall state in the judgment that the refusal of the trustees to grant the application of the applicant was plainly unreasonable, or that the original commitment was manifestly improper and unnecessary.

SEC. 22. Section twenty-eight of said act is hereby amended so as to read as follows:—

Section 28. It shall be the duty of the sheriff of any county wherein an order is made or approved by a superior judge committing any minor to said school, to execute any and all writs of commitment issued or approved by said judge, and to receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison; provided that in all cases where the commitment shall be made under section twenty of this act, the parent,



guardian, or other protector of such minor may, at his option, and in all cases where he is liable, or where the estate of such minor is sufficient, execute said writ of commitment, after having been duly sworn therefor with like powers and with like effect as the sheriff in such case but without expense to the said state: and further provided that in the case of minor females committed to said school and there is no parent guardian or other protector of such minor who in the opinion of the court, is a proper person to safely conduct such female to said school that then in such case the court shall appoint some suitable woman of satisfactory character and discretion who shall take the custody of such minor female after her said commitment, and shall forthwith deliver her to said school and be entitled to the same compensation therefor as is otherwise provided to be paid to the sheriff in all cases where, if such minor were a boy and were by a sheriff delivered to said school he the said sheriff would be entitled to receive compensation under the terms of this act

Sec. 2. Section twenty nine of said act is hereby amended so as to read as follows

Section 29. In all cases where an infant has been committed to said school for any of the causes mentioned in section twenty of this act and such minor at the time of his commitment or afterwards and during his term of confinement at said school, succeeds to any estate which is sufficient value to cover his expenses to and from and while at said school the same shall become subject to such expenses and the said superior court shall by a proper order thereto entered cause the parent or guardian to sell so much of said minor's estate there not being sufficient money, to pay such expenses. In such case the proceedings thereon shall be similar to those required of guardians in ordinary sales of the property of wards. When any money is realized by virtue of any such sale, the court by proper order shall cause the same or a sufficient amount thereof to be paid to the trustees of such institution or in case any expense of said minor has been borne already by the state or county, then such court shall order said county and state to be fully reimbursed for said expense by causing a sufficient amount therefor to be placed to the state and county treasury

Sec. 3. Section thirty of said act is hereby amended so as to read as follows

Section 30. The said board of trustees shall examine audit, and allow the demands arising under the terms of the aforesaid act and the amendments thereto and the state controller shall thereupon draw his warrants therefor payable out of the proper fund and the state treasurer is hereby ordered to pay such warrants

All acts or parts of acts in conflict with this act are hereby repealed

Sec. 5. This act shall take effect and be in force from and after its passage

An act to provide for additional improvements at the reform school for juvenile offenders, located at Whittier, in the county of Los Angeles, and state of California, and to make an appropriation for the same.

[Approved March 23, 1893; Stats. 1893, p. 296.]

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is appropriated out of the money in the state treasury not otherwise appropriated, to be paid to the trustees of the reform school for juvenile offenders, located at Whittier, in the county of Los Angeles and state of California, to be by them expended as follows: —

For the construction and erection of the following buildings and improvements to be made upon the lands belonging to the state at Whittier, aforesaid, and appertaining to said school, and furnishing and equipping the same as follows, to wit: For commissary's warehouse, and office, bakery, and kitchen, to be constructed south of and adjoining the administration building, and to be connected therewith by a covered way; for cow and hay barn, for buildings and furnishing for girls' department, including two buildings for general purposes, dormitories, etc , and one building for instructing in trades and employments; for shelter buildings; for additions to electric plant; for paying architect's fees and for supervision of construction; for purchasing of fruit trees for planting the lands; for purchase of books and current periodicals for the boys' department for the forty-fifth and forty-sixth fiscal years; for purchase of water and distributing the same.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for said amounts upon the demand of the trustees of the said school, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

STATE CAPITOL.

An act in relation to the care and improvement of the state capitol grounds, and making an appropriation therefor.

[Approved March 11, 1893; Stats. 1893, p. 133.]

SECTION 1. The sum of thirty-nine thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the same to be expended under the direction of the board of state capitol commissioners, for completion of the granite steps in the capitol grounds for making and paving walks about the capitol, for purchase of water pipes and laying thereof on the capitol grounds, for improvement of the grounds lying east of Thirteenth Street for erection of a new tool-house, and generally for the care and improvement of the state capitol grounds.

SEC. 2. The controller is hereby authorized and directed draw his warrants for the same, and the state treasurer is rected to pay said warrants.

SEC. 3. This act shall take effect immediately.

ct to provide for paying for improving that portion of Tenth reeth lying between L and N streets, in the city of Sacramento, joining the state capitol grounds, and for sundry work to the apitol sidewalk and grounds, and making an appropriation herefor.

[Approved February 27, 1893; Stats. 1893, p. 49.]

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the general fund of the state treasury not otherwise appropriated, for the purpose of paying for the improving of Tenth Street, from the north line of L Street to the south line of N Street, in the city of Sacramento, chargeable under the assessment for the improvement of the street to the state of California, and also for paying for repairs and improvements, and repairs of property under the charge and control of the state capitol commissioners.

SEC. 2. The state controller is hereby directed to issue a warrant, payable out of the general fund of the state treasury, for said sum of four thousand dollars, in favor of the state capitol commissioners, who shall pay out so much of said sum as may be necessary for paying for said work, and if any balance is left it shall be by them paid into the general fund aforesaid. The state treasurer is authorized and directed to pay the warrant aforesaid.

SEC. 3. This act shall take effect immediately.

An act fixing the salary of the janitor of the state capitol building, defining his duties, and making an appropriation therefor.

[Approved February 27, 1893; Stats. 1893, p. 46.]

SECTION 1. It shall be the duty of the janitor to take general charge of the state capitol building, and to secure and preserve the furniture, carpets, curtains, and all other property therein. He shall superintend the lighting of the building, note the gas meter and the electric meter, and the correctness of the bills for gas and electric lighting for each month, before the same is presented for payment. He shall check the delivery of supplies of wood and coal, and become satisfied that the quantity delivered corresponds with the amount ordered by the superintendent, and certify to the correctness thereof to the superintendent. He shall check the delivery of supplies of stationery and blank-books received from contractors, by schedules furnished him by the state board of examiners. He shall have the charge and custody of all stationery and blank-books purchased by the state for the use of state officers and members of the legislature, and shall keep a strict and accurate account of all supplies drawn by each, and also an account of all supplies on hand. He shall exercise general supervision of the porters and watchmen, have full power to make arrests for disorderly conduct about the building or grounds, and do and perform such other duties as may be required of him by the superintendent.

SEC. 2. The salary of the janitor of the state capitol building shall be two thousand dollars per annum, payable in the same manner as the salaries of other state officers.

SEC. 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of two hundred [illegible] dollars for the payment [illegible] of the capital building [illegible] fiscal year.

SEC. 4. This act shall take effect immediately.

STATE LANDS.

An act to authorize the governor and surveyor-general to sell and convey the state's interest in certain land.

[Approved March 31, 1891; Stats. 1891, p. 251.]

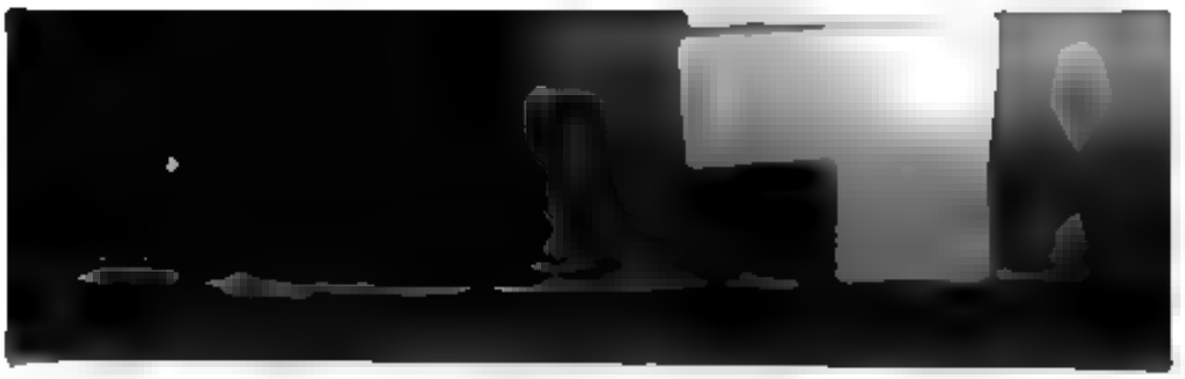
SECTION 1. The governor and surveyor-general are hereby authorized and directed to convey, release, quitclaim, and confirm all right, title, and interest of the state of California of, in, and to all that portion of the southeast quarter of section nineteen, township eleven north, range seven (7) east, Mount Diablo meridian, which is not embraced within the exterior boundaries of the lands set apart and heretofore conveyed by the state of California to the Masons and Odd Fellows of Rocklin, Placer County, California, for cemetery purposes, to the respective claimants and occupants thereof, as shown by the official map and field notes of survey of said lands made by W. S. Graham, county surveyor of Placer County, California, now on file in the office of the recorder of Placer County, upon making and filing with the surveyor-general proof, by affidavit, setting forth that the applicant was, at the date of said survey, in possession of the portion of said land claimed by him, her, or them, or an actual settler thereon, and upon the payment into the state treasury of the sum of five dollars per acre, or fraction thereof, as shown by said survey and field notes, *provided*, that the present occupants and claimants shall be preferred purchasers of the respective lots and parcels of said lands claimed and occupied by them for the space of one year from the passage of this act; *and provided further*, that all rights of way for all roads, railroads, tracks, and spurs now existing upon or over said lands shall be excepted from the title hereby authorized to be conveyed.

An act ceding to the United States of America jurisdiction over lands in this state ceded to the United States.

[Approved March 31, 1891; Stats. 1891, p. 252.]

SECTION 1. The state of California hereby cedes to the United States of America exclusive jurisdiction over such piece or parcel of land as may have been or may be hereafter ceded or conveyed to the United States, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of this state and the service of civil process therein.

SEC. 2. This act shall take effect immediately.



STEVENSON, ACT FOR RELIEF OF.

An act for the relief of Colonel Jonathan D. Stevenson, and to appropriate money therefor.

[Approved March 31, 1891. Stats. 1891, p. 200.]

SECTION 1. The sum of one hundred and twenty-five dollars per month, payable monthly, for the period of twenty-one months, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the relief of Col. Jonathan D. Stevenson: *provided, however*, that said appropriation shall cease upon the death of the said Stevenson, if he shall die before said period has elapsed, the sums paid under the provisions of this act to be accepted by the said Stevenson in full payment and satisfaction of all claim of every kind and nature that he may have, or claim to have, against this state for services or otherwise.

SEC. 2. The controller of state is hereby directed to draw his warrant monthly for the sum of one hundred and twenty-five dollars, during the said period of twenty-one months, or until the said Stevenson shall die, if such event shall occur before the expiration of said period, in favor of the said Jonathan D. Stevenson, and the treasurer of state is hereby directed to pay the same; and the direction to the controller herein, and said treasurer, is hereby exempted and excepted from the provisions of sections four hundred and fifty-three and six hundred and seventy-two of the Political Code of the state of California.

SEC. 3. Said warrants shall not be assignable.

SEC. 4. This act shall take effect from and after its passage.

SURVEYORS.

An act to define the duties of and to license land surveyors.

[Approved March 31, 1891. Stats. 1891, p. 476.]

SECTION 1. Every person desiring to become a licensed land surveyor in this state must present to the state surveyor-general of this state a certificate that he is a person of good moral character; also, a certificate signed by three licensed surveyors, or a certificate signed by the board of examining surveyors (provided for in section five of this act), which certificate shall set forth that the person named therein is, in the opinion of the person signing the same, a fit and competent person to receive a license as a land surveyor, together with his oath that he will support the constitution of this state and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor, as defined in this act.

SEC. 2. Upon receipt of such certificate and oath by the state surveyor-general, it shall be his duty forthwith to issue to such applicant a license, without charge, which license shall set forth the fact that the applicant is a competent surveyor, or that he has had at least two years experience in the field as a surveyor or assistant surveyor.

SEC. 3. Such license shall contain the full name of the applicant; the technical institution from which he is a graduate (if

he be a graduate), or if he be no not a graduate, the fact must be stated in the license his birthplace, age, and to whom issued, the name of the person upon whose certificate the license is issued and the date of its issuance

SEC 4 All papers received by the state surveyor-general on application for licenses shall be kept on file in his office, and a proper index and record thereof shall be kept by him, and a list of all licensed land surveyors shall be kept by him and he shall each month transmit to the county recorder of each county in this state a full and correct list of all persons so licensed, and it is hereby made the duty of such recorders to keep such lists in their offices in such a way as they may be easily accessible to all persons

SEC 5 Within twenty days after the passage of this act the governor shall appoint three surveyors in good standing, members of the technical society of the Pacific coast and two other surveyors in good standing not members of such society as a board of examining surveyors who shall conduct such examinations and make such inquiries as to them may seem necessary to ascertain the qualifications of applicants for surveyors' licenses

SEC 6 A majority of the board of examining surveyors shall meet on the first Friday of each month during their term of office, in the rooms of the technical society of the Pacific coast in San Francisco, and at such other times and places as they may select The members of the board shall hold office for the term of one year from the date of appointment, and shall serve without compensation

SEC 7 Every licensed surveyor shall have a seal of office, the impression of which must contain the name of the surveyor his principal place of business and the words "licensed surveyor" and all maps and papers signed by him, and to which said seal has been attached shall be prima facie evidence in all the courts of this state

SEC 8 Surveyors licenses, issued in accordance with this act shall remain in force until revoked for cause, as hereinafter provided

SEC 9. Every licensed surveyor is authorized to administer and certify oaths when it becomes necessary to take testimony to establish old or lost corners or if a corner or monument be found in a perishable condition and it appears desirable that such fact concerning such corner or monument be perpetuated or whenever the importance of the survey makes it desirable to administer an oath for the faithful performance of duty by his assistants A record of such oaths shall be preserved as a part of the field notes of the survey

SEC 10 Every licensed surveyor is hereby authorized to make surveys relating to the sale or subdivision of lands, the ascertaining or establishing of property or boundary lines, public roads, streets, alleys or routes and it shall be the duty of each surveyor whenever making any such surveys, except those relating to the platting or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities, or counties, to set permanent and reliable monu-

ments, and such monuments must be permanently marked with the initials of the surveyor setting them.

SEC. 11. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads or trails, original cemetery or town sites, and their subdivisions, has been made by a licensed surveyor, he shall file with the recorder of the county in which such survey or any portion thereof lies, a record of survey. Such record shall be made in a good draughtsman-like manner, on one or more sheets of firm paper of the uniform size of twenty-one by thirty inches. This record of survey shall be either an original plat or a copy thereof, and must contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of survey must show: All permanent monuments set, describing their size, kind and location with reference to the corners which they are intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses and lengths of boundary lines; the angles as measured by Vernier readings which the lines of blocks or lots, if the record relate to an original town-site survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map; the date of survey; a proper connection with one or more points of an original or larger tract of land and the name of the same; the name of the grant or grants, or of the townships and ranges, within which the survey is located; the signature and seal of the surveyor; provided that nothing in this section shall require record to be made of surveys of a preliminary nature, where no monuments or corners are established.

SEC. 12. The record of surveys thus filed with the county recorder of any county must be by him pasted into a stub-book, provided for that purpose, and he must keep a proper index of such records, by name of owner, by name of surveyor, by name of grant, city, or town, and by United States subdivisions; and he shall make no charge for filing and indexing such records of surveys.

SEC. 13. Upon the failure of any licensed surveyor to comply with the requirements of this act, and the furnishing of satisfactory proofs of such fact, the state surveyor general must revoke his license, and no other license shall be issued to him within one year from such revocation. A violation of section eleven of this act shall be a misdemeanor, and any person convicted of such violation shall be punished by a fine not to exceed more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

SEC. 14. In case said board shall refuse to meet and examine applicants for licenses as in this act provided, and issue to such applicants the certificate or certificates mentioned in this act, if such person be a fit and competent person to receive the same, they may be compelled to do so by mandamus; and if upon the hearing of such mandamus it appears that they have

willfully and wrongfully refused to examine any applicant, or to issue him a certificate when he is entitled to the same, such board so refusing or failing shall be jointly and severally liable for all cost of said mandamus proceeding including attorney's fee of five hundred dollars and shall be so jointly and severally liable to any person aggrieved by such refusal in the sum of five hundred dollars as fixed settled and liquidated damages, which may be recovered in any court in this state, and the judgment (if it be for plaintiff) in mandamus shall be prima facie evidence of such injury and damage in any action which may be brought to recover damages under the provisions of this act.

SEC. 15. All that part of the Code of Civil Procedure of this state relating to mandamus is hereby made applicable to the provisions of this act and all proceedings in mandamus under this act shall be in accordance therewith.

SEC. 16. This act shall take effect on the first day of July, eighteen hundred and ninety-one.

SUTTER'S FORT

An act to provide for the appointment of a board of Sutter's Fort trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property.

[Approved March 7 1891 Stats. 1891 p. 24.]

SECTION 1. The governor shall appoint five trustees, to be known as the board of Sutter's Fort trustees, at least three of whom shall be residents of Sacramento county, and he shall designate at the time of such appointment their respective terms of office in accordance with the following classification, viz: three of whom shall serve for two years and two of said trustees shall serve for four years from the time of their appointment. Their successors shall be appointed by the governor and shall hold their offices for the term of four years, and until their successors are appointed and qualified. The said trustees shall qualify by taking the usual oath of office.

SEC. 2. The said board of Sutter's Fort trustees are hereby authorized to receive and accept from the Sutter's Fort committee of the Grand Parlor of the Native Sons of the Golden West a corporation without cost to the state the possession of and the title to the site and grounds known as the Sutter's Fort property and which is particularly described as those two certain blocks of land bounded by L and L, Twenty-sixth and Twenty-eighth streets in the city of Sacramento, county of Sacramento, state of California.

SEC. 3. The said board of Sutter's Fort trustees shall provide for the preservation protection and improvement of the said Sutter's Fort property in such way and manner as in their judgment may seem best and proper. Said board of trustees shall immediately upon their appointment organize by the election of a president a secretary and a treasurer from their number and which officers shall serve without compensation, and the said president and secretary are hereby authorized,

when empowered by said board, to do and perform all things pertaining to the duties of said board.

SEC. 4. The sum of twenty thousand ($20,000) dollars, one half to be expended in the forty third fiscal year and one half in the forty-fourth fiscal year, is hereby appropriated out of the general fund of the state treasury for the purpose of carrying out the provisions of section three of this act. The controller is hereby authorized to draw his warrant in favor of said board for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 5. This act shall take effect immediately.

An act providing an appropriation for the purpose of completing and preserving Sutter's Fort.

[Approved March 9, 1893, Stats. 1893, p. 102.]

SECTION 1. The sum of fifteen thousand ($15,000) dollars is hereby appropriated out of the general fund of the state treasury, for the purpose of completing the work of restoring Sutter's Fort, and for the further purpose of providing for the care and preservation of the Sutter's Fort property.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

THEATERS.

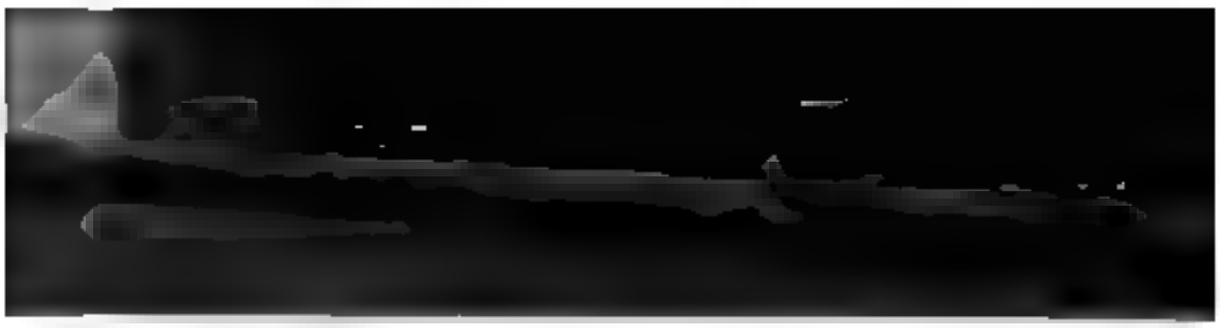
An act making it unlawful to refuse admission to places of amusement.

[Approved March 23, 1893. Stats. 1893, p. 229.]

SECTION 1. It shall be unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera-house, theater, melodeon, museum, circus, caravan, race-course, fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years who presents a ticket of admission acquired by purchase, and who demands admission to such place: *provided*, that any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

SEC. 2. Any person who is refused admission to any place of amusement contrary to the provisions of this act is entitled to recover from the proprietor, lessee, or their agents, or from any person, association, corporation, or the directors thereof, his actual damages and one hundred dollars in addition thereto.

SEC. 3. This act shall take effect immediately.



TIA JUANA SUFFERERS.

An act to appropriate the sum of five thousand dollars for the benefit of the sufferers from the Tia Juana flood of the twenty-second of February, 1891, and to provide for its payment to the board of supervisors of San Diego County and its distribution to the sufferers.

[Approved March 31, 1891. Stats. 1891, p. 416.]

SECTION 1. There is hereby appropriated the sum of five thousand dollars out of any moneys in the general fund not otherwise appropriated, to be paid to the board of supervisors of San Diego County, to be by said board held in trust and paid out for the benefit of the sufferers from the Tia Juana flood, occurring on the twenty-second day of February, eighteen hundred and ninety-one, in San Diego County.

SEC. 2. The controller is hereby authorized, empowered, and directed to draw his warrant in favor of the board of supervisors of San Diego County in the sum of five thousand dollars, payable out of the general fund, and the treasurer of the state is hereby directed to pay the same.

SEC. 3. That upon the receipt of the money by the board of supervisors of San Diego County, they shall distribute the same to the persons referred to in section one hereof, upon such proof and as said board may deem proper, and that said board and the members thereof shall charge nothing for their services.

SEC. 4. This act shall take effect from and after its passage.

TORRENS LAND SYSTEM.

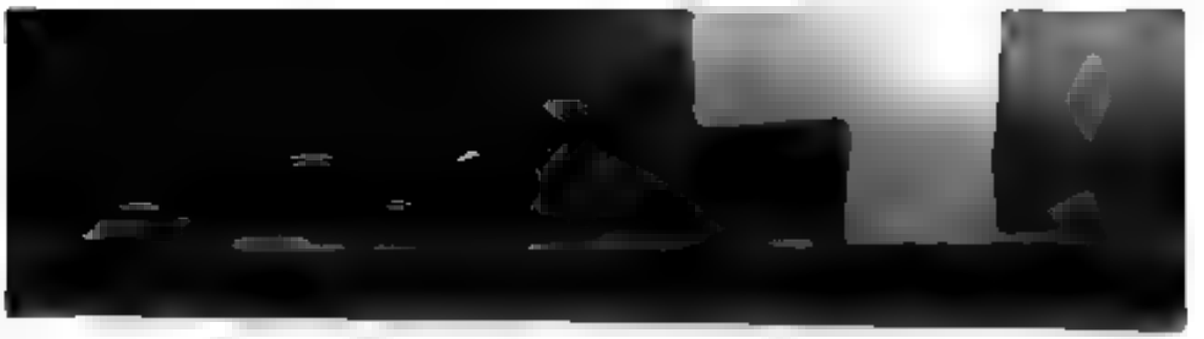
An act to create a special commission for the purpose of examining and reporting to the thirty-first session of the legislature on the Torrens land transfer act of Australia, and making an appropriation therefor.

[Approved March 9, 1893; Stats. 1893, p. 121.]

SECTION 1. A special commission of five persons, four of whom shall be members of the legal profession, is hereby created for the purpose of examining the methods of land transfer and registration as existing under the Torrens land transfer act of Australia, and of preparing a system for the state of California in accordance with said act, and of reporting the same, with an opinion thereon, to the thirty-first session of the legislature of the state of California.

SEC. 2. The members of such commission shall be appointed by the governor within twenty days after the passage of this act, and within ten days from such appointment said commissioners shall meet and organize themselves into a board, at the place in which the majority of said commissioners shall have their residences. The members of said commission shall receive no salary.

SEC. 3. The state printer shall print such reports as said commission may make.



SEC. 4. There is hereby appropriated the sum of five hundred dollars ($500) out of any money in the state treasury not otherwise appropriated, for the contingent expenses of said commission, and the state controller shall draw a warrant on the state treasurer for such sum.

SEC. 5. This act shall take effect immediately.

UNITED STATES SENATORS.

An act to ascertain and express the will of the people of the state of California upon the subject of election of United States senators.

[Approved March 10, 1891. Stats. 1891, p. 46.]

WHEREAS, It is expedient that the wishes of the people of this state upon the subject of the election of United States senators should be unmistakably expressed therefore, the people of the state of California, represented in senate and assembly, do enact as follows:—

SECTION 1. That thirty days prior to the next general state election, the governor shall issue his proclamation calling upon the electors to signify, at said election, their will as to the method of the election of United States senators, by placing upon the ballots the words "For the election of United States senators by the direct vote of the people," or the words "Against the election of United States senators by the direct vote of the people;" and the inspectors and the judges of election at each and every poll in the state shall ascertain and make returns of the number of votes cast "For the election of United States senators by the direct vote of the people," and the number of votes cast "Against the election of United States senators by the direct vote of the people," in like manner as other votes are required to be counted and returned, and an abstract thereof shall be transmitted by each county clerk in the state to the secretary of state, in the same manner that votes for state officers are now required to be transmitted.

SEC. 2. The secretary of state shall make a complete abstract of the votes given at said election, and certify the same to the governor.

SEC. 3. The governor shall prepare a memorial from the people of the state of California, attested by the secretary of state, with the great seal of state attached setting forth in brief the question submitted to the electors, and the vote thereon and send copies thereof to the president and vice-president of the United States, to each cabinet minister, senator, member of the house of representatives, and the governor of each state and territory in the United States of America.

VETERANS' HOME.

An act to amend an act entitled "An act to provide for the building and furnishing of the home for soldiers' widows and orphans and army nurses and for the state to inquire into the management of such institution, by a uniform rule proportioned to the number of inmates in said institution, for the management of the same, and for the support of indigent persons residing in the said home," approved March 31, 1869

[Approved March 31, 1891. Stats. 1891, p. 68.]

SECTION 1. Section three of said act is hereby amended so as to read as follows:—

Section 3. The said directors are authorized and directed to expend such sum or sums as may be from time to time appropriated for such purpose, for the support and maintenance of the widows, mothers, wives, and children of union soldiers, sailors, and marines, and for ex-union army nurses, in indigent circumstances, residing in the home in Santa Clara County, under the auspices of the women's relief corps home association, a corporation duly created and existing under the laws of this state, in the manner following, to wit: The sum of one hundred and fifty dollars per annum for each widow, mother, wife, child, or army nurse admitted to and residing in such home: *provided*, the whole of said sum shall not be expended in any one year for such support and maintenance.

SEC. 2. Section four of said act is hereby amended so as to read as follows:—

Section 4. The said granted in section three of this act shall commence on the first day of the month after each such widow, mother, wife, child, or army nurse shall commence bona fide to reside in, and be supported in, such home, and shall be paid by the state in semi-annual installments.

SEC. 3. Section five of said act is hereby amended so as to read as follows:—

Section 5. *First*. It shall be the duty of such corporation to keep a book, in which shall be entered the date of admission, name, age, and place of birth of each widow, mother, wife, child, or army nurse, and also the military history, if it can be obtained, of the husband, father, or son of such widow, mother, wife, or child who is, or may hereafter be admitted to such institution, and the estate or income, if any, to which she or it may be entitled.

Second. Said corporation shall also keep a book entitled "Monthly Accounts." In it shall be entered on the debtor side all moneys received from any and all sources, segregated under their proper heads, and on credit side all disbursements made, specifying for what purpose made, and the amounts entered in detail so disbursed, segregated under their proper heads, each entry to be made under its proper dates.

Third. A pay roll shall be kept of the employees, and the amounts disbursed to each, and at what rate of wages, and for what length and kind of services.

Fourth. A book shall be kept, in which shall be entered in detail the amounts and dates of all payments from outside sources made to each widow, mother, wife, child, or army nurse during her said residence, or to such association for her or its benefit.

Fifth. A transcript of such book and pay-roll, verified by the oath of the manager of such institution, or person in charge of the same, shall be made and forwarded to the state board of examiners at the time of making demand or presenting claims for state aid, conveying in accordance with section three of this act, covering the time for which such claim or demand for state aid is made; also a list of all the inmates for whom such claim or demand for such aid is made.

Sixth. Such books and pay-roll shall be open also, at all times, to the inspection of the state board of examiners, or of any person authorized by it to examine the same, or of any committee of the legislature or clerk thereof duly authorized so to do.

SEC. 4. Section twelve of said act is hereby amended so as to read as follows: —

Section 12. No person shall be entitled to receive any aid under this act, unless she has been admitted to and kept in said home by reason of her services as army nurse, or by reason of the military services of her husband, father, or son, nor unless she has been continuously a resident of this state for two years next prior to her admission to said home, nor unless she would be entitled to receive such aid by virtue of the laws and constitution of this state. Before allowing a claim in behalf of any inmate of said home, the board of examiners shall require proof of such facts.

An act to authorize the directors of the veterans' home association to exchange certain lands in the city and county of San Francisco for certain other property belonging to said city and county, or for a lease of said property.

[Approved March 20, 1891; Stats. 1891, p. 184.]

SECTION 1. The mayor of the city and county of San Francisco having heretofore executed in favor of the veteran's home association of California a deed of conveyance of all that certain piece or parcel of land situate in said city and county, and bounded and described as follows, to wit: Commencing on the easterly line of Twenty-third Avenue, two hundred and twenty-five (225) feet northerly from the northerly line of Clement Street, and running thence northerly alone said line of Twenty-third Avenue one hundred and fifty (150) feet; thence at right angles easterly two hundred and forty (240) feet to the westerly line of Twenty-second Avenue; thence southerly along said line of Twenty-second Avenue one hundred and fifty (150) feet; thence westerly at right angles two hundred and forty (240) feet to the point of commencement, being a portion of block one hundred and sixty (160) of the outside lands, the said veterans' home association, by its directors and their successors in office, are hereby empowered, at their pleasure, to reconvey

the said premises to the said city and county, upon receiving from the said mayor of said city and county a lease for the term of fifty years, rent free, of any other certain piece or parcel of land situate in said city and county. The mayor shall whenever he may be authorized so to do by the board of supervisors of said city and county of San Francisco, execute and deliver such lease and receive the delivery of said deed and the possession of the land to be conveyed thereby, as aforesaid. Upon the execution of such deed, the title to the lands described herein shall vest in the said city and county of San Francisco; and such lease of other property to be executed by the mayor, as aforesaid, shall vest the right of possession to said property in the said veterans' home association and the said property may be thereafter granted or leased and disposed of by the directors of said association for such benevolent and charitable purposes as the board of directors of said association may at any time designate by order or resolution.

SEC. 2. This act shall take effect from and after its passage.

An act to amend an act approved February 28, 1887, entitled "An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the veterans' home association, approved March 7, 1881," providing for an increase in the annual appropriation therefor, and changing the time for the payment thereof.

[Approved March 23, 1893. Stats. 1893, p. 214.]

SECTION 1. Sections one and two of an act approved February twenty-eighth eighteen hundred and eighty-seven, entitled "An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the veterans' home association, approved March seventh, eighteen hundred and eighty-three," are hereby amended to read as follows:

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support and maintenance of veterans of the late Mexican and civil wars in indigent circumstances residing in the veterans' home, under the auspices of the veterans' home association, a corporation, duly created and existing under the laws of the state of California, the sum of one hundred and fifty dollars per annum for each such veteran duly admitted to and residing in such home: *provided*, that in no one year shall a sum exceeding forty-five thousand dollars be paid by virtue of such appropriation.

Section 2. The aid herein granted shall commence the day following after each such veteran shall commence bona fide to reside and be supported in such home, and shall be paid by the state in quarterly installments.

SEC. 2. This act shall be in force from and after its passage.

[illegible] to appropriate the sum of fifty thousand dollars for the [illegible]tion, completion, and furnishing of buildings, laundry, and [illegible]th-house, and for improvements of the grounds, heating and [illegible]oking apparatus, and water supply at the veterans' home, [illegible]tuate in Napa county, under the auspices of the veterans' home association of the state of California.

[Approved March 24, 18[illegible], Stats. 1893, p. 239.]

SECTION 1. There is hereby appropriated out of any money [illegible] the state treasury not otherwise appropriated, the sum of [illegible]fty thousand dollars, for the construction and furnishing, at the home of the veterans' home association of the state of California, in Napa county, of buildings for the residence of officers, dormitories, dining room, kitchen, laundry, with necessary steam plant and machinery, bath house, with fittings, and for constructing and improving roads, walks, lawns, cemetery, and wells and reservoirs for the water supply, and for completing, altering, and repairing buildings already in use, and for purchasing and putting in apparatus for heating the buildings and cooking by steam, at said home.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the money herein appropriated in favor of the board of directors of the veterans' home association as the same may be required, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect immediately.

VETERINARY SURGERY.

An act entitled an act to regulate the practice of veterinary medicine and surgery in the state of California.

[Approved March 23, 1893, Stats. 1893, p. 28[illegible].]

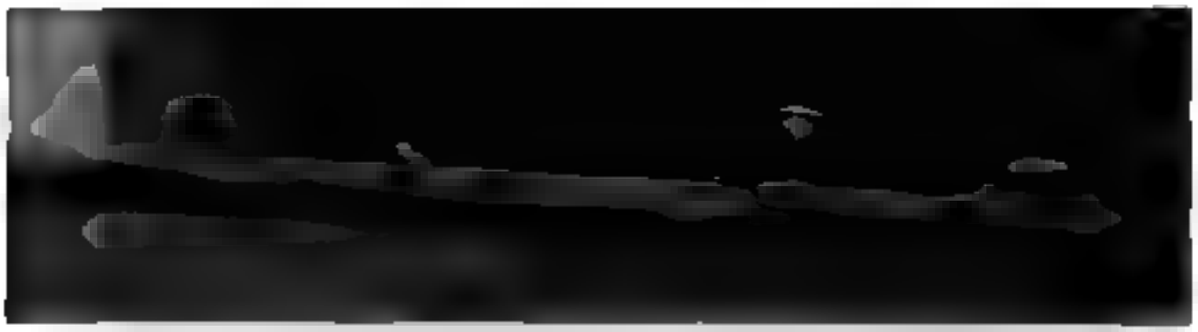
SECTION 1. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in any city, city and county, or town in this state, having a population of two (2) thousand or more, without having previously obtained a diploma from a college duly authorized to grant such students in veterinary medicine and surgery, or to those who have passed satisfactory examinations before the state veterinary medical board, as hereinafter provided for.

SEC. 2. 1. This board of examiners shall be known as the state veterinary medical board, and shall consist of five duly qualified practitioners in veterinary medicine and surgery, whose duty it shall be to carry out the purposes and enforce the provisions of this act.

2. The members of the state veterinary medical board shall be appointed by the governor of the state.

3. The board so appointed shall hold their offices for four (4) years, and the compensation of each member of said state veterinary medical board shall be five dollars per diem exclusive of all necessary expenses while actually engaged in the duty of their office at the meetings of said board.

4. A meeting of the state veterinary medical board shall be held at least once in every six months after the appointment



the said premises to the said city and county, upon receiving from the said mayor of said city and county a lease for the term of fifty years, rent free of any other certain piece or parcel of land situate in said city and county. The mayor shall, whenever he may be authorized so to do by the board of supervisors of said city and county of San Francisco execute and deliver such lease and receive the delivery of said deed and the possession of the land to be conveyed thereby, as aforesaid. Upon the execution of such deed the title to the lands described herein shall vest in the said city and county of San Francisco and such lease of other property to be executed by the mayor as aforesaid shall vest the right of possession to said property in the said veterans' home association and the said property may be thereafter granted or leased and disposed of by the directors of said association for such benevolent and charitable purposes as the board of directors of said association may at any time designate by order or resolution.

SEC. 2. This act shall take effect from and after its passage.

An act to amend an act approved February 28, 1887, entitled "An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the veterans' home association approved March 7, 1883," providing for an increase in the annual appropriation therefor, and changing the time for the payment thereof.

[Approved March 23, 1893. Stats. 1893, p. 214.]

SECTION 1. Sections one and two of an act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled "An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the veterans' home association approved March seventh, eighteen hundred and eighty-three," are hereby amended to read as follows:

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support and maintenance of veterans of the late Mexican and civil wars in indigent circumstances residing in the veterans' home under the auspices of the veterans' home association, a corporation duly created and existing under the laws of the state of California, the sum of one hundred and fifty dollars per annum for each such veteran duly admitted to and residing in such home; provided, that in no one year shall a sum exceeding forty-five thousand dollars be paid by virtue of such appropriation.

Section 2. The aid herein granted shall commence the day following after each such veteran shall commence bona fide to reside and be supported in such home, and shall be paid by the state in quarterly installments.

SEC. 2. This act shall be in force from and after its passage.

An act to appropriate the sum of fifty thousand dollars for the erection, completion, and furnishing of buildings, laundry, and bath-house and for improvements of the grounds, heating and cooking apparatus, and water supply at the veterans' home, situate in Napa county, under the control of the veterans' home association of the state of California.

[Approved March 24, 1903. Stats. 1903, p. 320.]

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars, for the construction and furnishing, at the home of the veterans' home association of the state of California, in Napa county, of buildings for the residence of officers, dormitories, dining room, kitchen, laundry, with necessary steam plant and machinery, bath houses, with fittings, and for constructing and improving roads, walks, sewer, cemetery, and wells and reservoirs for the water supply, and for completing altering, and repairing buildings already in use, and for purchasing and putting in apparatus for heating the buildings and cooking by steam at said home.

Sec. 2. The state controller is hereby authorized and directed to draw his warrants for the money herein appropriated in favor of the board of directors of the veterans' home association as the same may be required, and the state treasurer is hereby directed to pay said warrants.

Sec. 3. This act shall take effect immediately.

VETERINARY SURGERY.

An act entitled an act to regulate the practice of veterinary medicine and surgery in the state of California.

[Approved March 23, 1903. Stats. 1903, p. 325.]

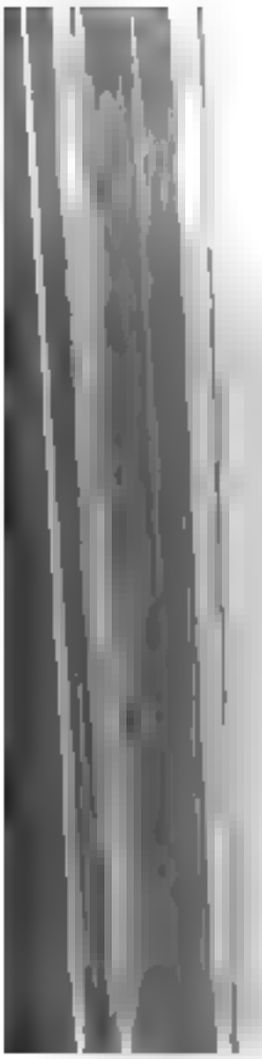
Section 1. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in any city city and county, or town in this state, having a population of two (2) thousand or more, without having previously obtained a diploma from a college duly authorized to grant such students in veterinary medicine and surgery or to those who have passed satisfactory examinations before the state veterinary medical board, as hereinafter provided for.

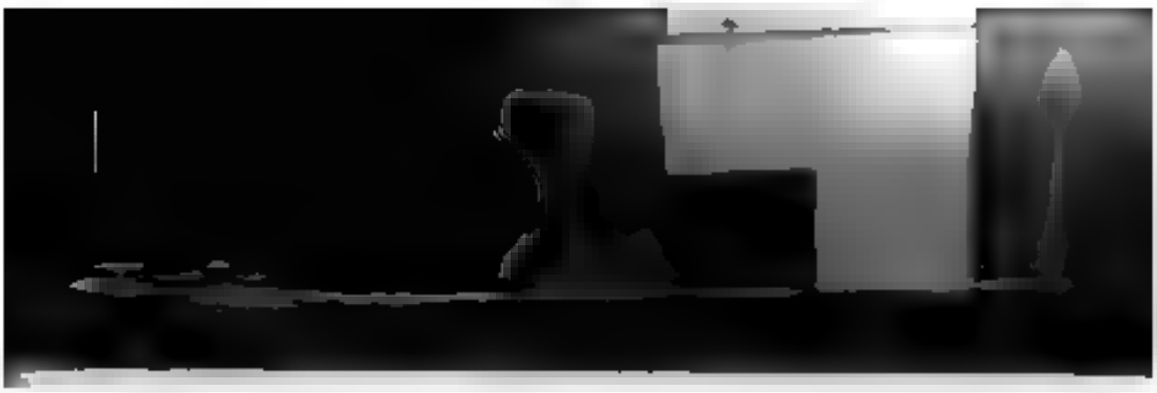
Sec. 2. 1. This board of examiners shall be known as the state veterinary medical board, and shall consist of five duly qualified practitioners in veterinary medicine and surgery, whose duty it shall be to carry out the purposes and enforce the provisions of this act.

2. The members of the state veterinary medical board shall be appointed by the governor of the state.

3. The board so appointed shall hold their offices for four (4) years, and the compensation of each member of said state veterinary medical board shall be five dollars per diem exclusive of all necessary expenses while actually engaged in the duty of their office at the meetings of said board.

4. A meeting of the state veterinary medical board shall be held at least once in every six months after the appointment





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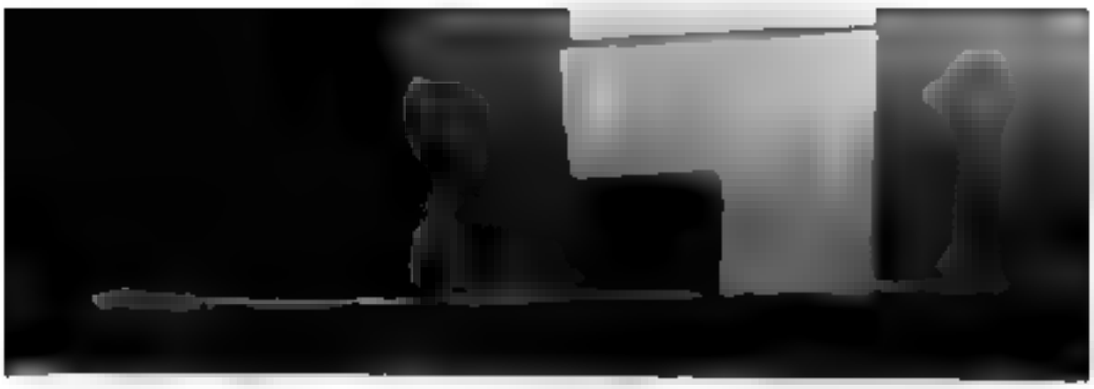

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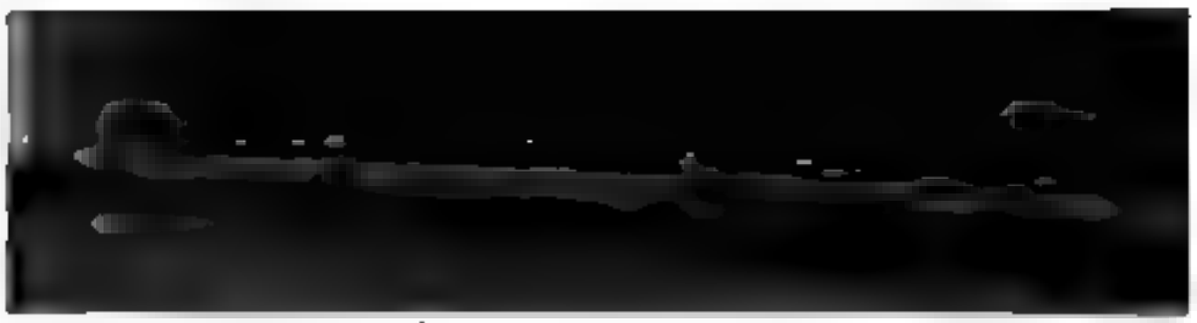

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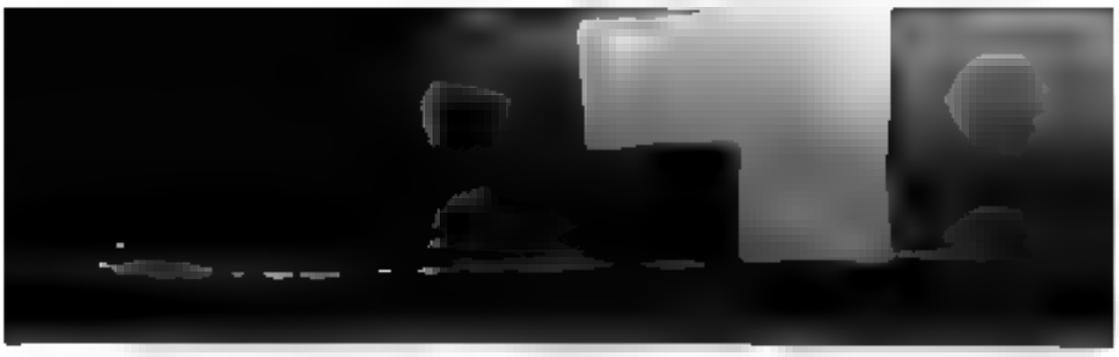

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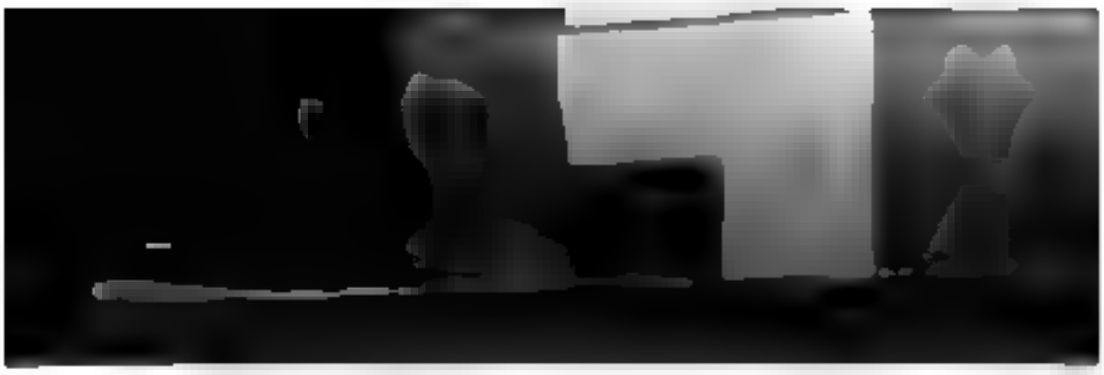

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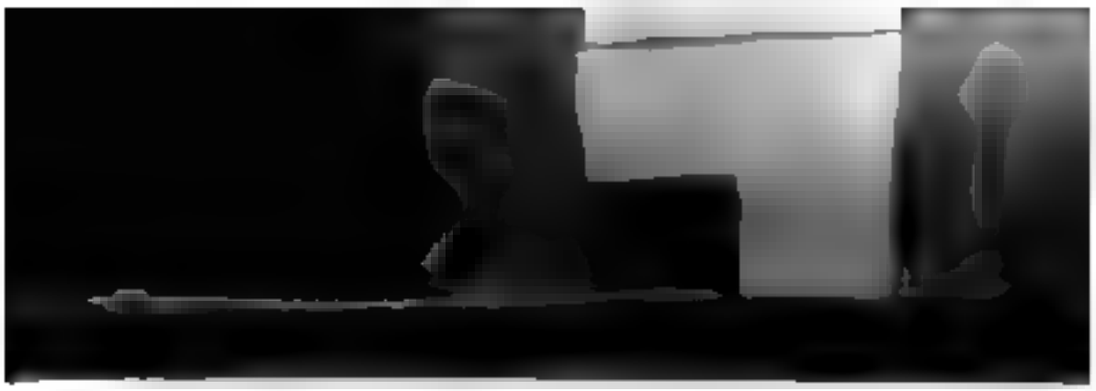

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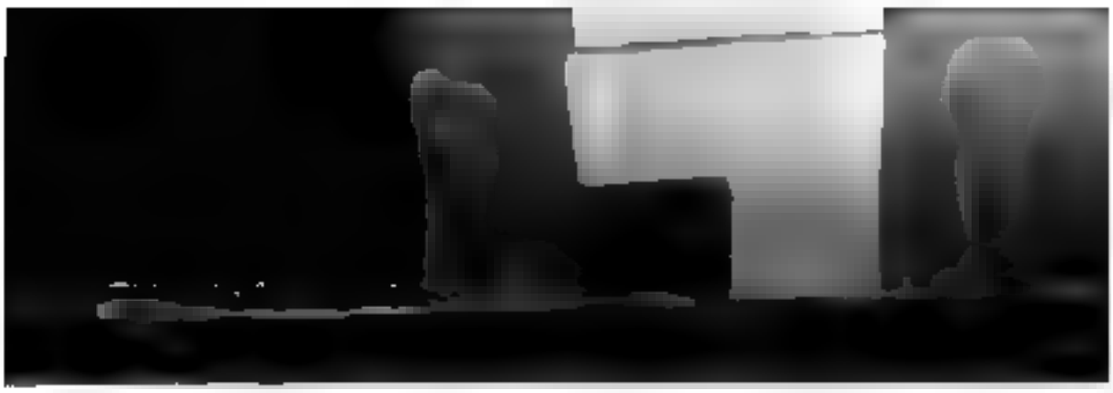

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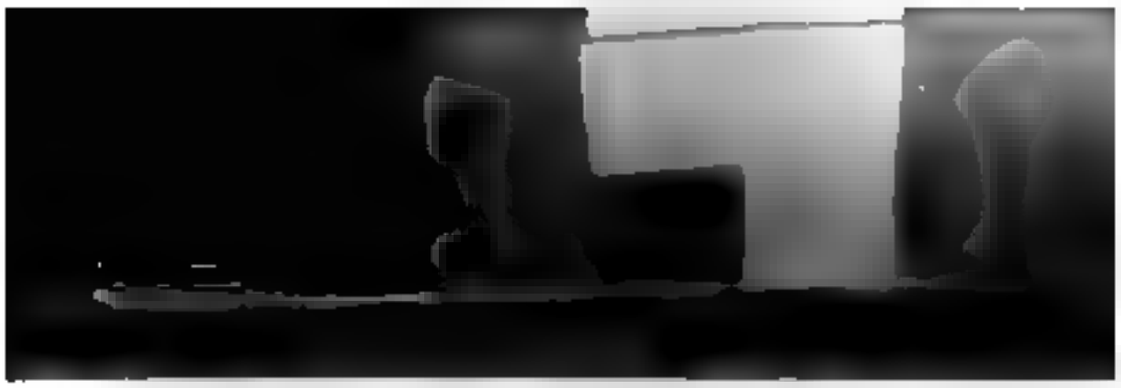

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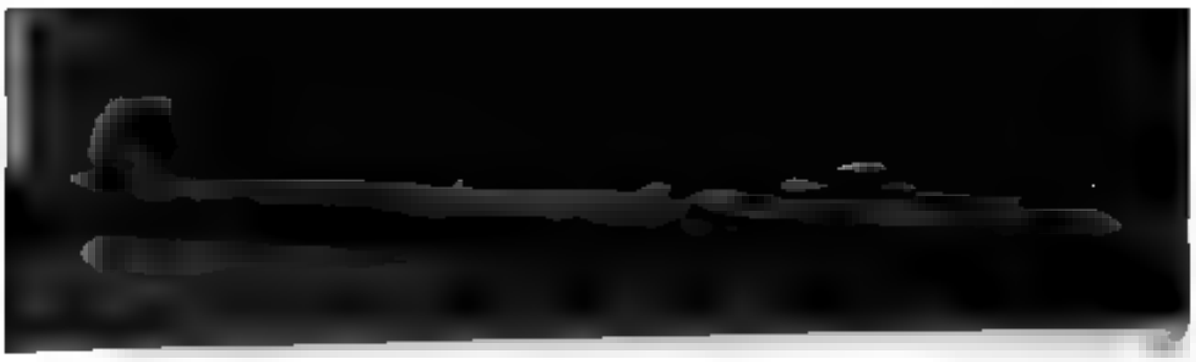

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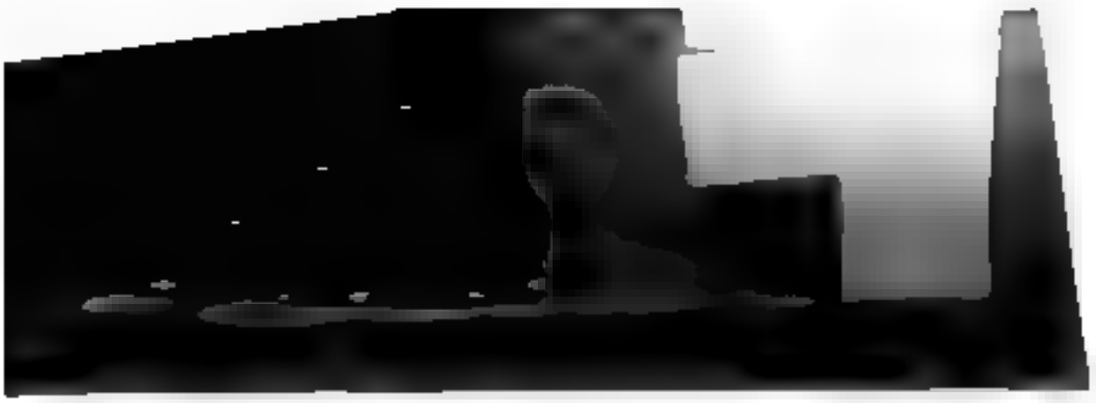

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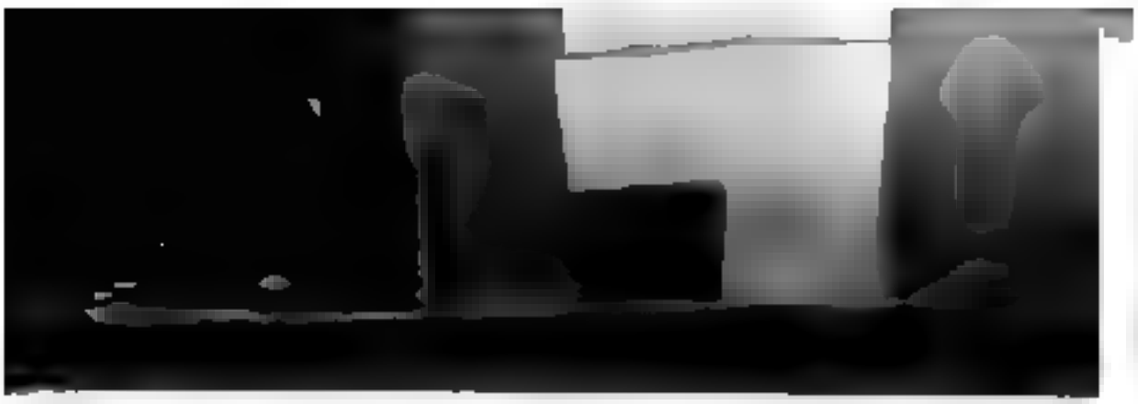

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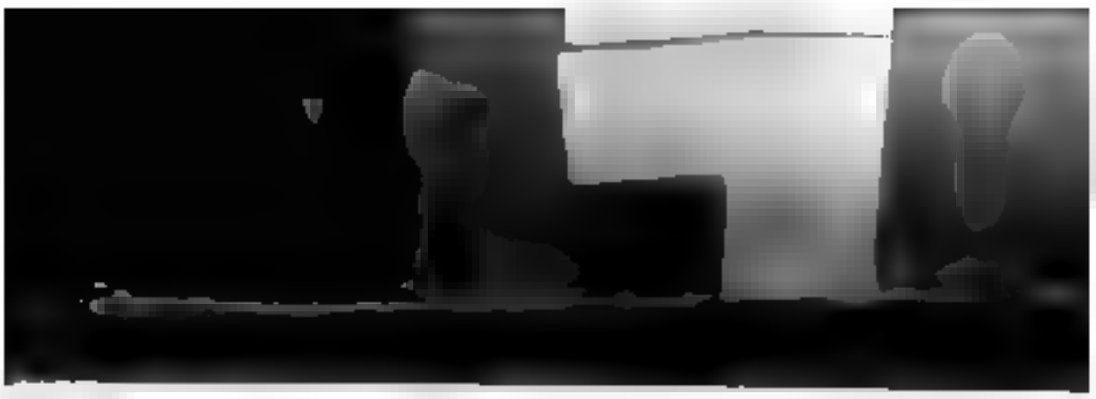

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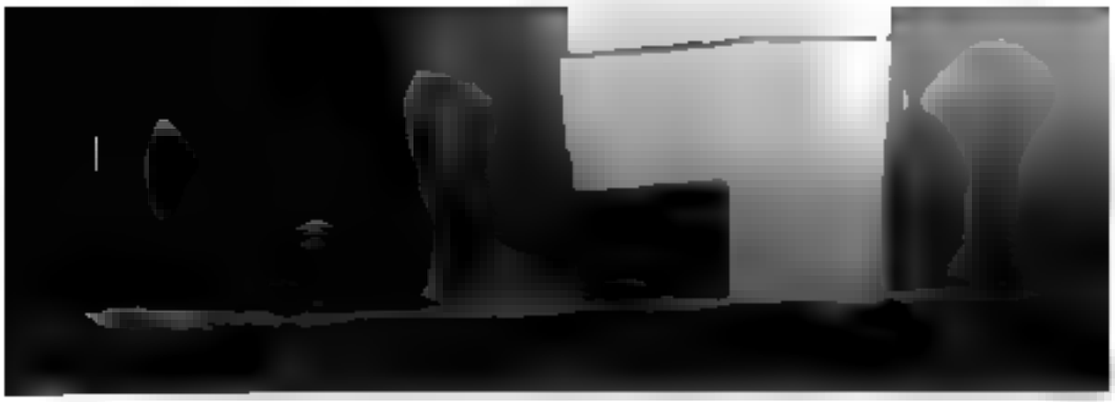

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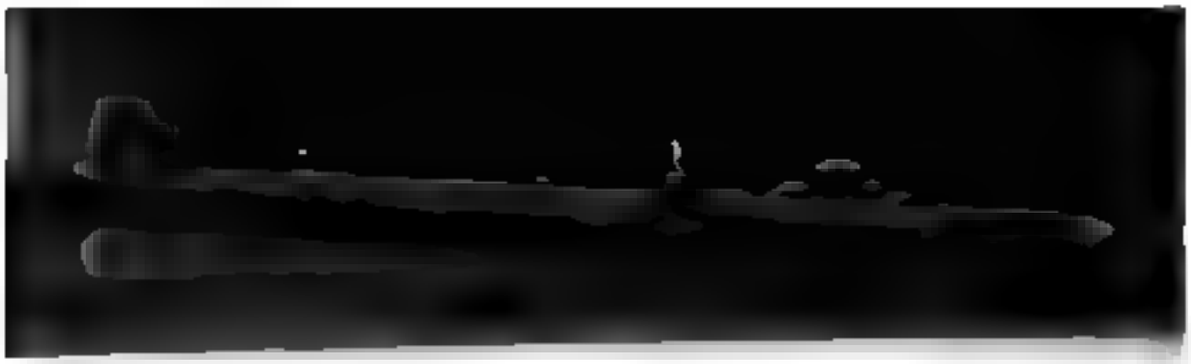

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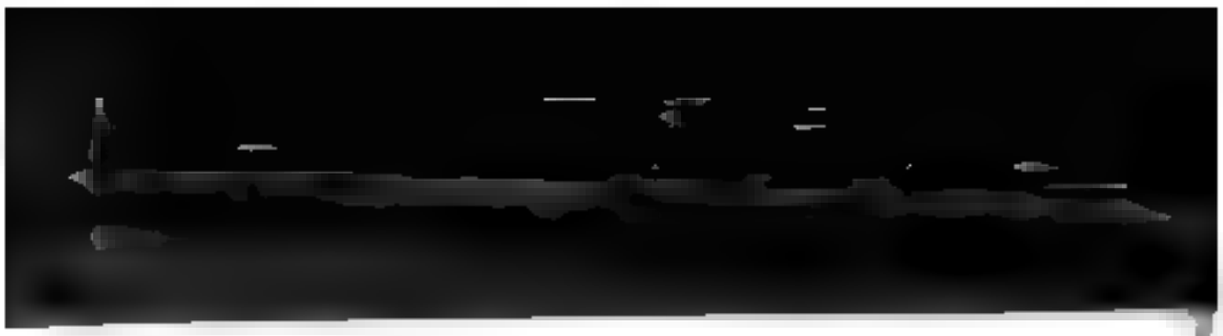

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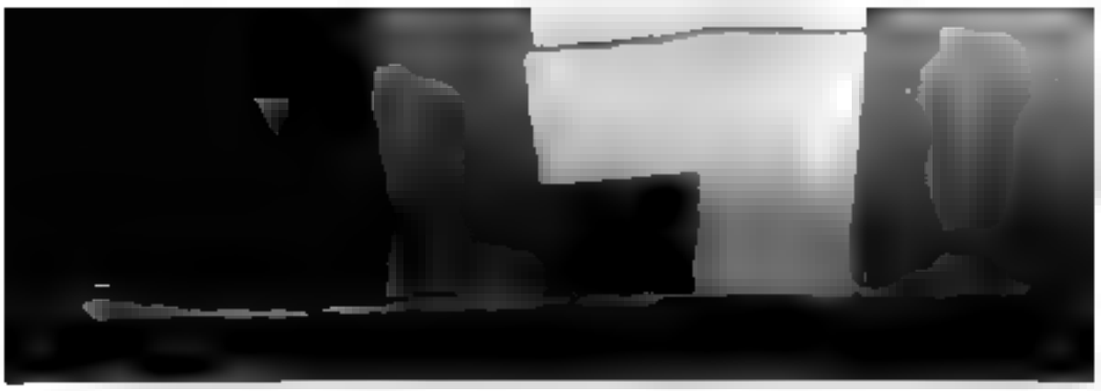

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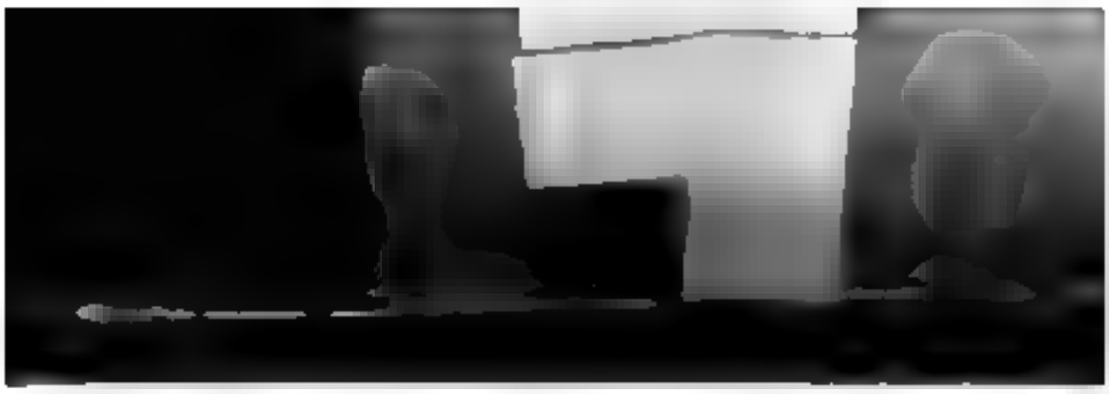

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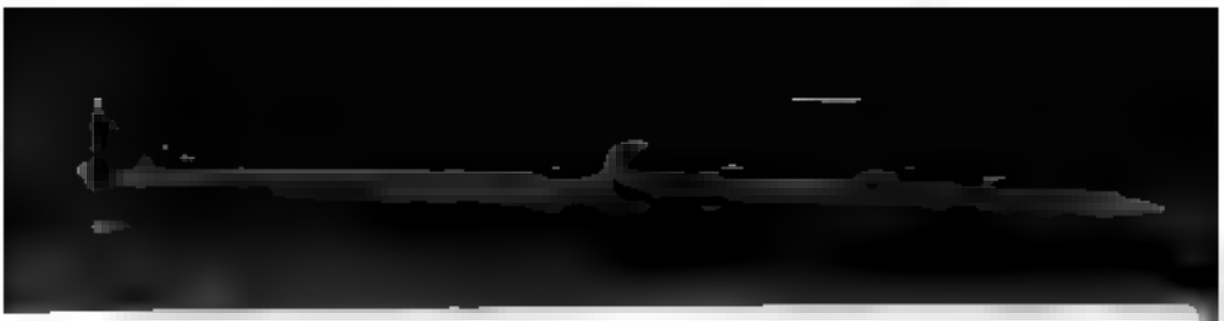

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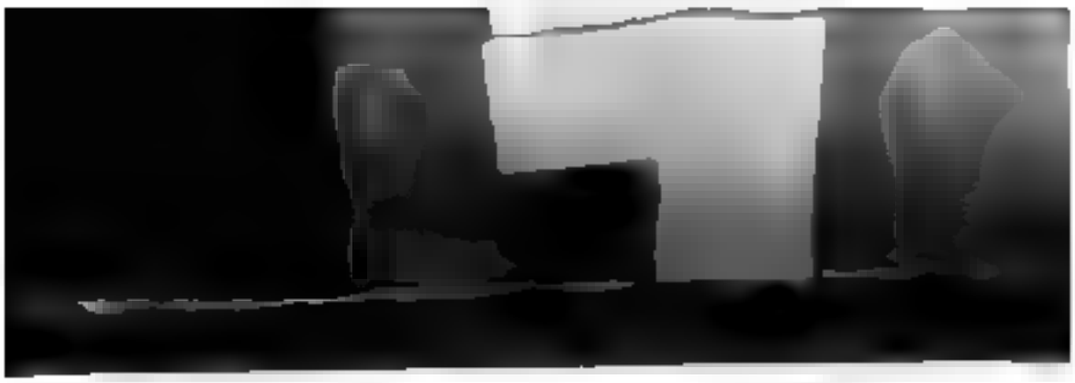

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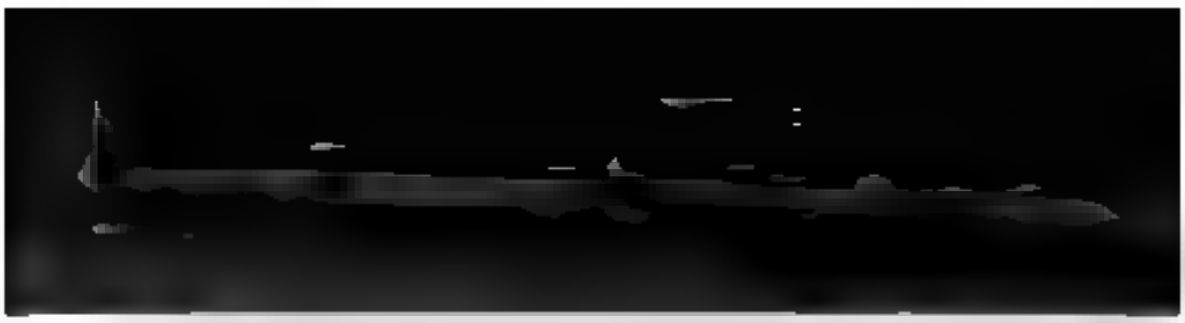

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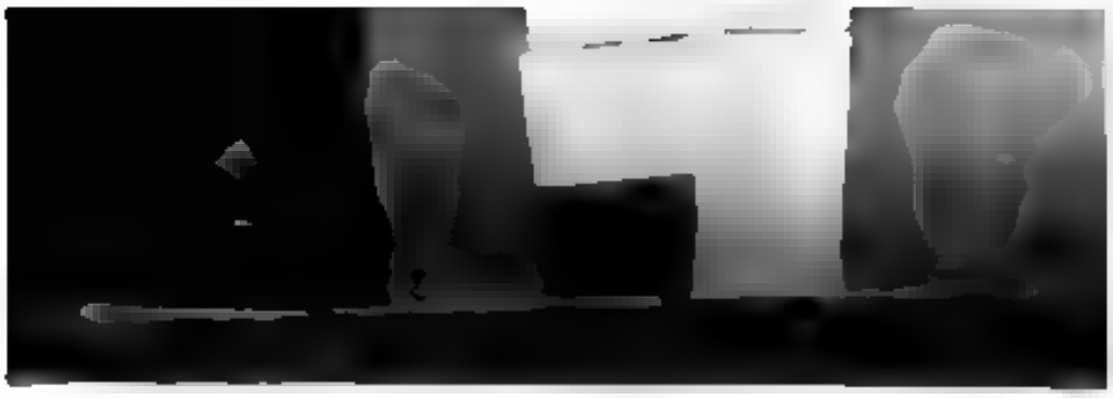

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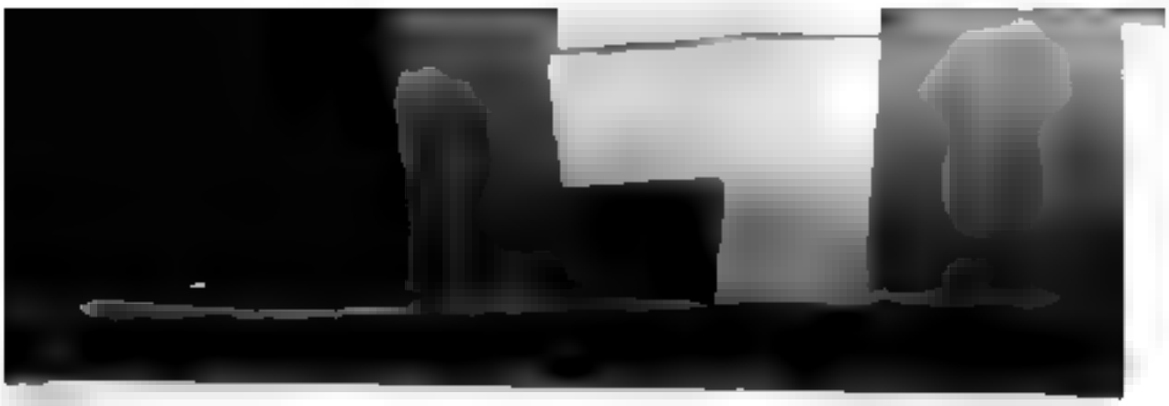

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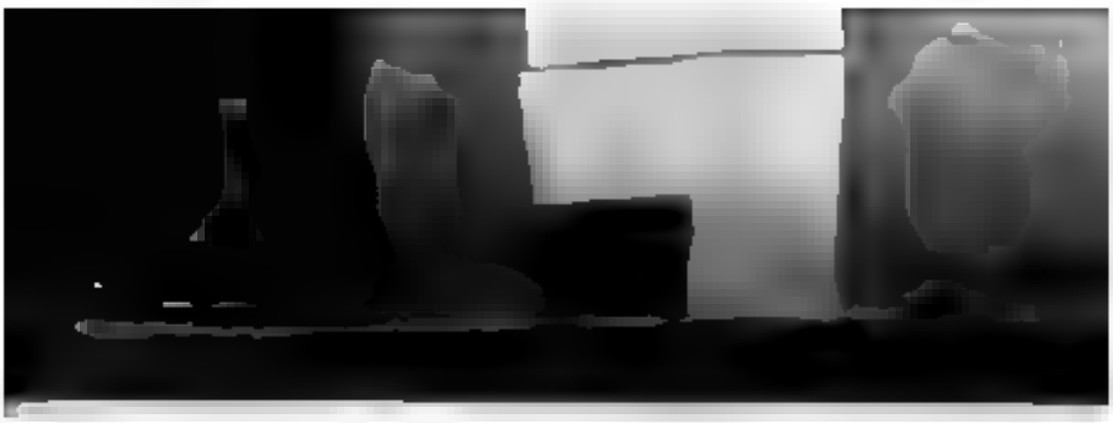

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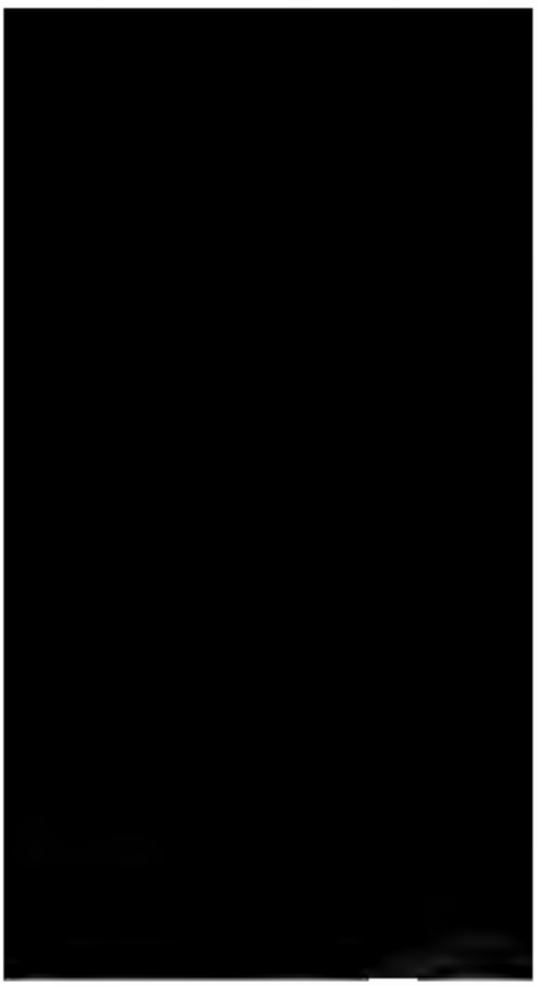

AMENDMENTS

TO THE

POLITICAL CODE

AND

STATUTES RELATING TO THE SUBJECT MATTERS EMBRACED THEREIN,

ENACTED AT THE

LEGISLATIVE SESSION OF 1895,

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3. No part of this code retroactive, unless expressly so declared: 98 Cal. 438.

19. Effect of code provisions on existing statutes: 98 Cal. 617.

52. Union of act and intent necessary to change of residence: 104 Cal. 625.

325. Effect of amendment of statute: 102 Cal. 419, 420.

Repeal of statute by implication: 104 Cal. 259.

329. Repeal of ordinance, statute limited in its application: 101 Cal. 307.

Amendment, saving clause in statute: 102 Cal. 35.

330. Act amending section of repealed act is void: 102 Cal. 420.

343. University of California — Designation of officers of: 104 Cal. 659.

416. The secretary of state, for services performed in his office, must charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document or paper on file in his office, twenty cents per folio.

2. For affixing certificate and seal of state, two dollars.

3. For filing articles of incorporation, five dollars.

4. For recording articles of incorporation, twenty cents per folio.

5. For issuing each certificate of incorporation, three dollars.

6. For receiving and recording each official bond, five dollars.

7. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, and extradition papers excepted), five dollars.

8. For each patent for land issued by the governor, if for one hundred sixty acres or less, one dollar; and for each additional one hundred sixty acres or fraction thereof, one dollar.

9. For searching records and archives of the state, one dollar.

10. For filing trademark, three dollars.

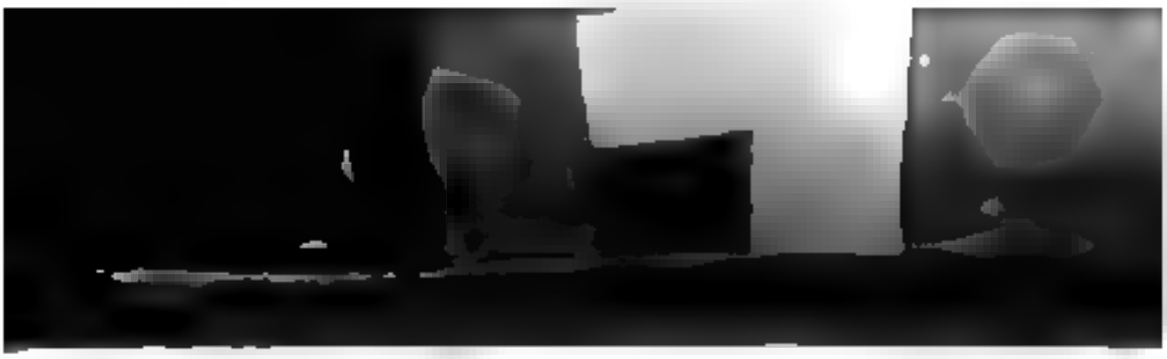
11. For filing and recording notice of appointment of agent, five dollars.

12. For filing and recording notice of removal of place of business, five dollars.

13. For filing certificate of increase or decrease of capital stock, five dollars.

14. For issuing certificate of increase or decrease of capital stock, three dollars.

15. For filing certificate of continuance of existence, five dollars.



16. For issuing certificate of continuance of existence, three dollars.

17. For certificate of appointment, qualification, and term of office of notary public, one dollar.

18. For recording miscellaneous documents or papers, per folio, twenty-five cents.

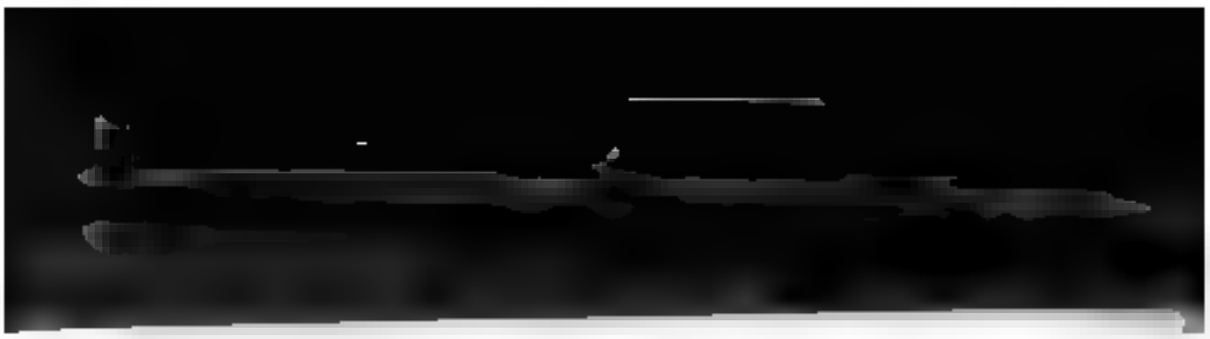
No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of their offices; nor shall they be charged any fee for a certified copy of any law or resolution passed by the legislature relative to their official duties. All fees collected by the secretary of state must, at the end of each month, be paid into the state treasury and shall constitute the state library fund. [In effect March 16, 1895.]

470 (subd. 7). **Employment of counsel** in criminal cases. 103 Cal. 502.

472. The attorney general may appoint one assistant, who shall be a member of the state board of examiners when the attorney general is absent from the capitol, and three deputies, who shall be civil executive officers. The annual salary of the assistant shall be twenty-seven hundred dollars; the annual salary of the first deputy shall be twenty-four hundred dollars; the annual salary of the second deputy shall be twenty-four hundred dollars; the annual salary of the third deputy shall be twenty-four hundred dollars. Said salaries shall be payable in the same manner as salaries of other state officers.

Subdivision 1. The attorney general shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code.

Subdivision 2. The attorney general shall have charge, as attorney, of all legal matters in which the state is in anywise interested, except the business of the regents of



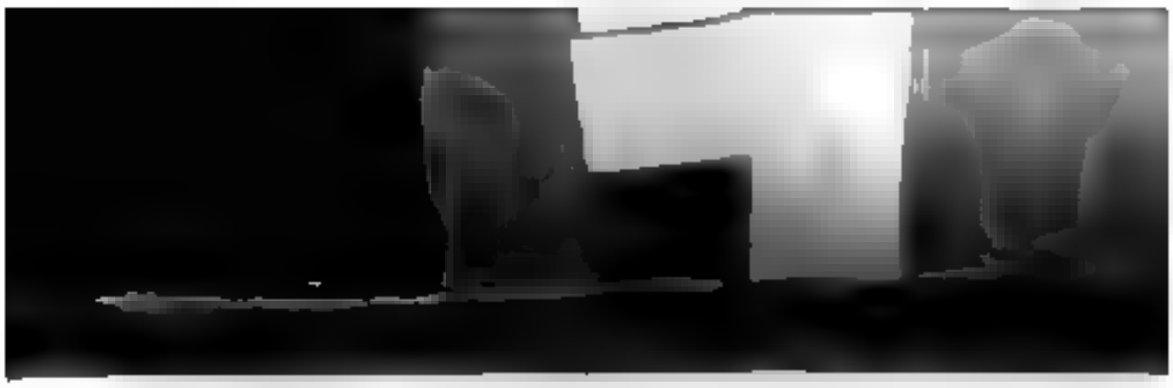
the university of California and of the state harbor commissioners, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee, for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state.

Subdivision 3. All acts in conflict with this act are hereby repealed.

Provided further, that nothing herein contained shall be construed to prevent or deny the right of any board, officer or officers, or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general. [In effect March 16, 1895.]

475. The attorney general may appoint two clerks for his office; the annual salary of each clerk shall be sixteen hundred dollars; and one phonographic reporter at an annual salary of eighteen hundred dollars. Said salaries shall be payable in the same manner as the salaries of other state officers.

1. Said clerks and reporter shall be civil executive officers.



2. All acts in conflict herewith are repealed. [In effect March 16, 1895.]

515. *An act to provide for the appointment and salary of a clerk in the office of the superintendent of public instruction, and to make an appropriation therefor.*

[Approved March 27, 1895.]

SECTION 1. The superintendent of public instruction may appoint an additional clerk, who shall be a stenographer, at a salary of twelve hundred dollars per year, payable in the same manner as the salaries of other civil officers of the state are paid.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of twenty-four hundred dollars, for the payment of said clerk's salary for the forty-seventh and forty-eighth fiscal years, commencing July first, eighteen hundred and ninety-five.

SEC. 3. This act shall take effect immediately.

531. The duties of the superintendent of state printing shall be as follows: He shall have the entire charge and superintendence of the state printing and binding. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, bound, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the senate or assembly all matter ordered by either house to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received; and when the work shall have been executed, he shall deliver the finished sheets or volumes to the sergeant-at-arms of the senate or assembly, or of any department authorized to receive them, whose receipt therefor shall be a sufficient voucher to the said superintendent of state printing for their delivery. He shall receive and promptly execute all orders for printing or binding, required to be done for the various state officers; *provided*, that the said superintendent of state printing shall have discretionary authority to revise, reduce, or decline to execute any order, or part of any order, which in his judgment is unnecessary or

unwarranted by law, and which will tend to unnecessarily consume the appropriation for support of the state printing-office; *and provided further*, that in the event that any state officer, board, commission, or state institution shall consider the decision of the said superintendent of state printing unfair, he may refer the matter to the state board of examiners, which board shall determine the matter. He shall employ such compositors, pressmen, and assistants as the exigency of the work from time to time requires, and may at any time discharge such employees; *provided*, that at no time shall he pay said compositors, pressmen, or assistants a higher rate of wages than is paid by those employing printers in Sacramento for like work. He shall at no time employ more compositors or assistants than the absolute necessities of the state printing may demand, and he shall not permit any other than state work to be done in the state printing-office. The superintendent of state printing shall, on or before the fifteenth day of September of each year, make a report, in writing, to the governor, embracing a record of the complete transactions of his office for the preceding fiscal year, which report shall show in detail all the items of expense attending the state printing and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand, which report shall be printed, biennially, for the use of the legislature. [In effect March 27, 1895.]

532. In April, eighteen hundred and ninety-six, and in April of every year thereafter, the superintendent of state printing shall submit to the state board of examiners samples of the various kinds, sizes, and qualities of paper that will probably be required in his office during the year

commencing on the then next first Monday in July, an estimate of the probable quantity of each kind, size, and quality that will be so required. Upon being satisfied that the kinds, sizes, quantities, and qualities of paper so suggested will be required, they shall direct the superintendent of state printing to advertise for thirty days, in two daily newspapers, one of which shall be published in the city of San Francisco, and one in the city of Sacramento, for proposals to furnish such paper, or so much thereof as may be required during the year commencing as aforesaid, which bids shall be opened in his office, at twelve o'clock M. on the day appointed, in the presence of the said superintendent, and at least two of the state board of examiners; and the said superintendent of state printing, and the members of the state board of examiners then and there present, shall constitute a board to award the contract to the lowest and best responsible bidder. No bid shall be considered unless accompanied by a certified check, in the sum of two thousand dollars, gold coin, payable to the governor for the use of the people of the state of California, conditioned that if the bidder receives the award of the contract he will, within thirty days, enter into bonds in the sum of ten thousand dollars, with two or more sureties, to be approved by the governor of the state, that he will faithfully perform the conditions of his contract; all bids must be for the furnishing and delivery of the paper and materials at the state printing office, in the city of Sacramento, so that the state shall not be charged with any cost of transportation or delivery, which must be specified in the advertisement for bids. If all the bids opened shall be deemed too high by said board, they may decline them and advertise again. If the second set of bids are considered too high, the said board may again decline them, and the superintendent of

state printing may purchase such paper in the open market. The prices paid shall in no case be higher than the lowest price at which such paper was offered to be furnished by the bids so rejected. [In effect March 27, 1895.]

539. All bills and other documents ordered engrossed by either house of the legislature shall be delivered by the secretary of the senate or chief clerk of the house, as the case may be, to the engrossing clerk of the house ordering the engrossment, who shall deliver such bills or other documents, without delay, in the order of their receipt, to the state printer, who shall receipt for the same, and without delay engross (print) the same in the order so received by him, and deliver such engrossed bill or other documents, with the original thereof, to the engrossing clerk from whom he receives the same, who shall carefully compare the engrossed copy with the original, and, if correctly engrossed, report the same back, with the original, to the engrossing committee of the house from which he received it. All bills and other documents that have been printed shall be considered engrossed, if no amendments have been made after being printed, but the original bill or document shall be delivered to the engrossing clerk of the respective houses where same originated, and he shall compare the original bill, or other document, with the printed bill or other document, and forthwith deliver them to the committee on engrossment for return to the house in the same manner as engrossed bills. Such bills, or other documents, shall have a separate order of comparison from the engrossed bills. And all bills, and other documents, required to be enrolled by order of either house, shall be delivered by the secretary of the senate, or chief clerk of the house, as the case may be, to the enrolling clerk of the house ordering such enrollment, who shall deliver such bills or other documents, without delay, in the order of

their receipt, to the state printer, who shall receipt for the same, and who shall, without delay, correctly enroll (print) the same, in the order so received by him, and when enrolled he shall deliver such enrolled bills or other documents, with the original thereof, to the enrolling clerk from whom he received the same, who shall carefully compare such enrolled copy with the original, and if correctly enrolled, he shall report the same back, with the original, to the enrolling committee of the house from which he received it. [In effect March 26, 1895.]

594. Insolvency of insurance corporation, and revocation of certificate granted: 101 Cal. 144.

596. Transaction of insurance business, what is: 93 Cal. 7.

600. Insurance, when commissioner to revoke certificate granted: 101 Cal. 144, 145.

601. Power of superior court in winding up affairs of delinquent insurance company: 101 Cal. 138, 140, 143, 145, 146, 148.

602. Visitorial power of insurance commissioner: 101 Cal. 144, 145.

616. *An act to create an exempt firemen's relief fund in the several counties, cities and counties, cities, and towns of the state and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.*

[Approved March 26, 1895.]

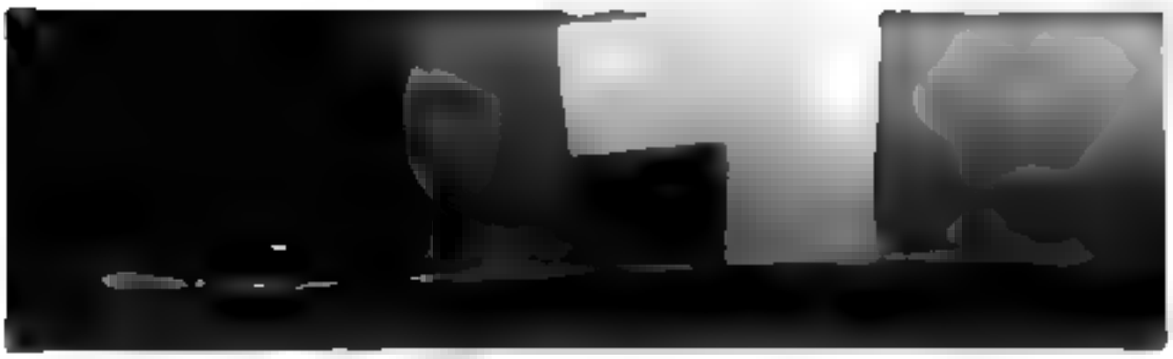
SECTION 1. The mayor, the chairman of the board of supervisors, or other governing authority of any city and county, city, or county or town of this state in which an incorporated exempt fire company exists, is authorized, empowered, and required, within thirty days after this act takes effect, or as soon thereafter as practicable and as often as shall be necessary, to appoint five citizens, who are exempt firemen, who shall constitute the board of trustees of the exempt firemen's relief fund, to provide for the disbursement of said fund, and to ascertain and determine the beneficiaries thereof, as hereinafter directed. Each trustee shall hold office for the term of four years from his appointment, and until the appointment and qualification of his successor. All vacancies from

whatever cause shall be filled by the officer making the appointment. Each trustee shall qualify by taking the constitutional oath of office.

SEC. 3. They shall organize as such board by choosing one of their number as president and one of their number as secretary. The office of trustee, and of president, and secretary of said board is honorary, and they shall receive no salary or compensation therefor. A majority of members of said board shall constitute a quorum and have power to transact business. The treasurer of the county, city and county, city or town shall be the *ex officio* treasurer of said fund, without extra salary or compensation therefor. Such board shall have charge of and administer said fund, and order payments therefrom, in pursuance of the provisions of this act. They shall report to the board of supervisors or other governing authority of the county, city and county, city, or town, when and as often as required, the condition of said fund, and the receipts and disbursements on account of the same, and such other information as may be demanded. The board shall keep a record and full minutes of their acts and proceedings.

SEC. 4. The board of trustees of the exempt firemen's relief fund shall enroll every exempt fireman who has received, or may hereafter receive, a certificate under the laws of this state that he is an exempt fireman, and who is a resident of the county, city and county, city, or town, and who desires to avail himself of the benefits of this act and to render the services herein mentioned. Such enrolled exempt firemen may, in cases of great public emergency, be assigned to and shall perform such duty as firemen under the direction and control of the chief or any of his assistants of the fire department, as may be from time to time prescribed by ordinance of such board of supervisors or such other governing authority; and said enrolled exempt firemen shall be formed into one or more companies and in such manner as such board of supervisors or such other governing authority may from time to time ordain; and such persons shall render all such services without salary or compensation, but may receive relief as provided herein.

SEC. 4. The board of supervisors or other governing authority of any county, city and county, city, or town, in which such incorporated exempt fire company exists shall, for the purposes of said fund, annually set apart from the general fund in the treasury of the county, city and county, city, or town, or from any other fund therein which is not devoted exclusively to some other purpose, and direct the payment annually into said fund of a sum of money not exceeding twelve thousand dollars; and in case a sum less than twelve thousand dollars should in any instance be directed to be paid into said fund, said board or other governing body may from time to time so set apart and direct the payment into said fund of sums of money, *provided* the aggregate of sums paid into said fund shall not exceed twelve thousand dollars a year. Moneys so set apart cannot be diverted thereafter from said fund by the board of supervisors or other governing authority.



SEC. 3. Said exempt firemen's relief fund shall be applied to the relief of such enrolled exempt firemen who, after their enrollment as herein provided, shall become disabled from injury, sickness, or the infirmities of age to earn a livelihood, and said board shall grant relief from time to time to such enrolled member during the disability as it deems just. The decision or judgment of said board as to the fact of ability or disability, or its duration or the amount of relief at any time to be granted, shall be binding and final as against the claimant of relief. Said fund shall be used for such purposes, and to pay the necessary expenses of stationery for said board, and for no other purpose. The relief granted shall not exceed twenty-five dollars per month to each enrolled member so disabled.

SEC. 4. Such board of trustees is authorized to allow and issue orders or warrants, signed by the president and secretary, for payment of moneys out of said exempt firemen's relief fund for any of the purposes herein stated, and the auditing officer of the county, city and county, city, or town is authorized and required to audit and the treasurer thereof to pay out of said fund any and all orders or warrants so allowed and issued by said board, *provided*, that the aggregate of said orders shall not exceed the sum of twelve thousand dollars per annum.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAP. 113. *An act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer.*

[Approved March 25, 1895.]

SECTION 1. The board of supervisors of each and every county in the state may, in its discretion, at their first meeting held in April, eighteen hundred and ninety-five, and at their first meeting held in January, eighteen hundred and ninety-seven, and in January every two years thereafter, appoint a suitable person to serve for the period of two years from the date of his appointment as fish and game warden of the county, which office is hereby created: *provided* that the person so appointed in April, eighteen hundred and ninety-five shall hold office only until January, eighteen hundred and ninety-seven, and until his successor is appointed and qualifies.

SEC. 2. Said fish and game warden shall enforce the state laws, and all county and municipal ordinances relating to the protection of fish and game, and he shall be vested with all the powers of a peace officer to make arrests for the violation of such laws and ordinances.

SEC. 3. The salary of said fish and game warden is hereby fixed, in accordance with the classification of counties, as follows:

SEC. 4. For counties of the first, second, and third classes, one hundred dollars per month; for counties of the fourth, fifth, and sixth classes, the sum of seventy-five dollars per

month; for counties of the seventh, eighth, ninth, and tenth classes, the sum of sixty dollars per month, and for all other classes from the eleventh to the fifty-third, inclusive, the sum of fifty dollars per month. In addition thereto said warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury. Said fish and game warden shall, before entering upon the discharge of his duties, execute a bond with sureties in such sum as may be required by the board of supervisors, for the faithful and proper discharge of his duties as such fish and game warden. Said warden shall report quarterly to the board of supervisors of his county, giving a detailed statement of all arrests made, convictions had, fines collected, and generally in regard to the management of his office. Such officers may be removed by the board of supervisors for intemperance, neglect of duty, or other good and sufficient reasons.

SEC. 5. This act shall take effect and be in force from and after its passage.

672. Power of state controller to draw warrants.

102 Cal. 285.

752. He must collect in advance the following fees: For filing the transcript on appeal, in each civil case appealed to the supreme court, ten dollars, in full of all services rendered in each case up to the rendering of the judgment or the issuing of the remittitur, when no petition for a rehearing has been filed; for filing a petition for a rehearing, and for all services to the issuing of remittitur to the court below, two dollars and fifty cents; for filing motion to dismiss appeal on clerk's certificate, two dollars and fifty cents; for filing petitions for writs of mandate, review, prohibition, and other original proceeding, seven dollars and fifty cents, in full for all services rendered in each case; for filing order extending time to file transcript, fifty cents; for certificate of admission as attorney and counselor, ten dollars; for filing each paper in writs of error to the supreme court of the United States, twenty-five cents; for making record in writs of error to the supreme court of the United States, and for copies of any record or document in his office, per folio,

ten cents; but this fee shall not be taxed against parties to suit for any paper or copy of paper up to and including remittitur; for comparing any document requiring any document requiring a certificate, per folio, five cents; for each certificate under seal, one dollar. [In effect March 8, 1895.]

876. Power of officer to appoint deputy: 100 Cal. 458.

877. Power of registrar of voters to appoint deputies: 102 Cal. 252.

878. Deputy holds during pleasure of officer appointing him: 100 Cal. 457.

920. Eligibility and disqualifications of street contractors: 98 Cal. 433.

922. Eligibility of street contractors: 98 Cal. 433.

960. Liability of sureties on official bond: 99 Cal. 499.

961. Liability in damages of sureties on official bond: 99 Cal. 499.

996. In what manner office becomes vacant: 100 Cal. 539, 540, 541.

997. Officer, notice to officer to fill vacancy: 100 Cal. 540.

999. Office, power of governor to fill vacancy in: 102 Cal. 14.

1014. Duty of county clerk to surrender books, etc., to successor: 103 Cal. 493.

1032. Right of public to discuss judicial proceedings: 99 Cal. 531.

1041. *An act to amend section one of an act entitled "An act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and privileges in relation thereto, and providing for the punishment thereof."*

[Approved March 27, 1895.]

Section one of an act entitled an act to promote the purity of elections by regulating the conduct thereof and to support

the privilege of free suffrage by prohibiting certain acts and privileges in relation thereto, and providing for the punishment thereof, is amended so as to read as follows:

Section 1 All nominations of candidates for public office to be filled by election within this state, and presidential electors, must be filed with the proper officer within the time and in the manner prescribed by law. Every certificate of nominations made by the members of a political party, or by a convention or organized assemblage of delegates, or other body of citizens representing a political party or principle, must be signed as provided by the provisions of sections eleven hundred and eighty-seven (1187) or eleven hundred and eighty-eight (1188) of the Political Code of this state and at the time of filing the certificate of nomination, the persons signing such certificate of nomination shall also file with the officer authorized by law to receive and file such certificate the names of five persons, who have accepted in writing, and consented to act, selected to receive, expend, audit, and disburse all moneys contributed, donated, subscribed, or in anywise furnished or raised for the purpose of aiding or promoting the election of the candidates for office or electors named in the said certificate of nomination, or in any manner to be used in respect of the conduct and management of the election at which such candidates are to be voted for. The certificate of nomination must not be received or filed unless accompanied by the names of five persons, citizens and electors of this state, to compose such committee, together with their written acceptance and consent to act as such committee, as required by this act.

All independent candidates must file the names of five persons to act as an auditing committee, in the same manner and at the same time as required by all regular party nominees or candidates, and all members of such an auditing committee acting for an independent candidate are to be governed by the same laws and requirements as the auditing committee of all regular party nominees or candidates. The said committee shall have the exclusive custody of all moneys contributed, donated subscribed, or in anywise furnished or raised for or on behalf of the political party, organized assemblage or body, or candidates represented by said committee, and shall disburse the same on proper vouchers, under the directions of the body or superior authority to which it is subject, if there be any. If, for any cause, a vacancy shall occur in the membership of said committee prior to the fifteenth day before the day of holding an election the vacancy must be filled by the same authority as vacancies in the list of nominees are filed. No vacancy by resignation therefrom or refusal to act upon said committee shall occur after the fifteenth day before the day of holding an election, or until the said committee shall have completed and discharged all of the duties required of them by this act. If any vacancy be created by death or legal disability subsequent to the fifteenth day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties

required of said committee as if such vacancy had not been created.

1075. The board of supervisors of each county is *ex officio* the board of election commissioners in and for the county, and the common council, or other governing body of a city, is *ex officio* the board of election commissioners in and for such city; *provided*, that in cities and cities and counties of this state having one hundred and fifty thousand or more inhabitants the board of election commissioners shall consist of four persons, citizens and electors of such city, or city and county, each of whom must be a freeholder, and have been an actual resident of said city and county at least five years preceding his appointment, who shall be appointed by the mayor; *provided*, that the respective executive committees of the state committees of either of the political parties, who may be entitled under the provisions of this act to have members of their party appointed as members of said board of election commissioners, shall have the right, within ten days after such appointment, to file with the mayor a written protest against the appointment of a member of said board of election commissioners, as having been appointed as one of affiliation with said party, on the grounds that said appointee is not a person of well-known affiliation and standing with said party from which he has been appointed; and the mayor thereupon shall make another appointment in the place of the party against whom the protest has been filed. The members of said commission shall be ineligible to any other office or public employment, elective or appointive, during the term for which they have been appointed and for one year thereafter. Two of the persons so appointed shall be selected from the body of citizens and electors of such city, or city and county, of known affiliation with and belonging to the political party

or organization which at the last presidential election held in such city, or city and county, polled within said city, or city and county, the highest number of votes cast for the candidates of the political party for presidential electors at such election; and the two remaining members of said board shall be selected from the body of electors of such city, or city and county, of known affiliation with and belonging to the political party which, at the last presidential election held at such city, or city and county, polled within such city, or city and county, the next highest number of votes cast for the candidates for presidential electors of a political party. The members of said commission shall, every two years, choose one of their number as chairman; in the event of their failure to select a chairman in five ballots, the oldest of said members in point of years shall be chairman. The person first appointed as such board of election commissioners shall be appointed on the first Monday of July, eighteen hundred and ninety-five, and shall each hold their office for the term of four years from and after the date of their appointment, except that of those first appointed, two (one belonging to each political party or organization, as aforesaid), to be designated by the mayor, shall retire at the end of two years, when their successor shall be appointed by the mayor. Whenever any vacancy shall occur in the said board, such vacancy shall be filled by appointment as herein prescribed, and the person so appointed to fill such vacancy shall be selected in the same manner and from the same political party or organization with which his predecessor in office affiliated and belonged at the time of his appointment thereto, and shall hold office for the balance of the unexpired term to which he was appointed. The salary of each member of the board of election commissioners in and for a city, or city and county, having

one hundred thousand or more inhabitants, shall be seven hundred and fifty dollars per annum, payable in equal monthly installments, out of the treasury of such city, or city and county, in the same manner as the salaries of other officers of such city, or city and county, are paid. [Approved March 28. In effect July 1, 1895.]

1076. The board of election commissioners, as provided for in this article, shall, within their respective counties, cities, or cities and counties, be invested with, and shall exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code or by any law of this state, upon boards of supervisors of the several counties, or upon the common council or other governing body of cities, or upon any other board or body, in respect to the conduct, control, management, and supervision of elections, and all matters pertaining to elections held within the respective counties, cities, or cities and counties, as the same are now or may be hereafter prescribed by law. [Approved March 28. In effect July 1, 1895.]

1077. The county clerk is *ex officio* clerk of the board of election commissioners of the county, and the clerk or secretary of the common council or other governing body of a city is *ex officio* the clerk or secretary of the board of election commissioners; *provided*, that in cities, or cities and counties, of this state having one hundred and fifty thousand or more inhabitants, the board of election commissioners shall appoint a suitable person, not one of their own number, to act as secretary, at a salary not to exceed two hundred and fifty dollars per month, payable in the same manner as the salaries of the commissioners are paid. Such secretary shall hold his office during the pleasure of the said board.

The secretary of the board of election commissioners

shall not, during the term of his office, engage in any other calling or trade, or profession or employment, and shall be ineligible to be a candidate or delegate to any convention which shall nominate candidates for office, and he shall be ineligible to be voted for for any office while acting as such secretary; and if these provisions of the law are not obeyed, it shall be the duty of the board of election commissioners forthwith to declare his place vacated, and the vacancy shall be filled in the same manner and terms as provided for in the original appointment.

Each member of the board of election commissioners, and the secretary elected by said board of election commissioners, shall, within fifteen days after receiving notice of their appointment, take the usual oath of office before any judge of the superior court of said county, or city and county, and said oaths of office shall be filed with the county clerk of said city and county.

The board of election commissioners shall have the power to appoint all deputies, and such clerks as may be necessary, and to fix their salaries at the time of their employment. All deputies and clerks thus appointed shall be equally divided between the representatives of the political parties that polled the highest and the next to the highest number of votes at the preceding presidential election. The salaries of all deputies and clerks that may be appointed by said board of election commissioners shall be payable in equal monthly installments out of the treasury of said city, or city and county, in the same manner as the salaries of other officers of such city, or city and county, are paid.

The members of the board of election commissioners, the secretary of the board of election commissioners, all deputies and clerks appointed by the board of election commissioners, and all election officers, shall have the power to

administer oaths; and any false oaths taken before them, or either of them, shall be deemed to be perjury, and the person so convicted thereof shall be punished according to law. [Approved March 28. In effect July 1, 1895.]

1078. The county clerk of each county, and the clerk or secretary of the common council of a city, shall, within their respective counties, or cities, exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code, or by any law of this state, upon such officers in respect to the conduct, management, and supervision of elections, and matters pertaining to elections, held within the respective counties, or cities, as the same are now or may be hereafter prescribed by law; *provided*, that in cities, or cities and counties, having one hundred and fifty thousand or more inhabitants, the secretary of the board of election commissioners, under the direction of the board of election commissioners, shall exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code, or by any law of this state, upon the county clerk or any other officer in such cities, or cities and counties, in respect to the conduct and supervision of matters relating to elections held within such cities, or cities and counties, as the same are now or may be hereafter prescribed by law. [Approved March 28. In effect July 1, 1895.]

1079. Whenever the clerk, secretary, or any officer of a county, city, or city and county, is charged with the performance of any official duty in respect to elections which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the board of election commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the amount of which in the

aggregate shall exceed the value of five hundred dollars, it shall be the duty of the board of election commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work, or furnishing other and similar materials, for county, city, or city and county purposes; *provided*, that no such proposal or bid shall be required for the contract to print ballots, if the time within which such ballots must be had does not reasonably admit of such proposal and bid. [Approved March 28. In effect July 1, 1895.]

1080. Nothing contained in this article affects any of the provisions of this code, or of any statute of this state, touching the registration and qualification of voters and the method of calling, holding, and conducting elections, in force in any county, city, or city and county; but such provisions and statutes are recognized as continuing in force, except so far as they are inconsistent with the provisions of this article upon the subject to which this article relates. [Approved March 28. In effect July 1, 1895.]

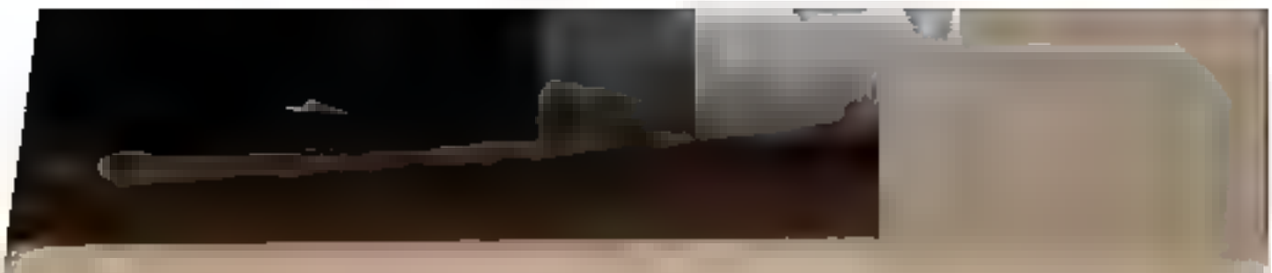
1094. A register, in which shall be entered the names of the qualified electors of each of the counties in the state, shall be kept at the office of the county clerk of such county, and in each of the cities and counties in the state such a register shall be kept in the office of the person charged with the registration of voters in such city and county. There shall be in each of the counties, and cities and counties, in the state (where registration is now required by law to take place previous to each general election, and in other counties, or cities and counties, when required by the board of supervisors) a new and complete registration of the voters of such counties, and cities and

counties, who are entitled thereto, and who apply with the proper proof. Such registration shall commence one hundred and sixty days before a general election, and shall continue for seventy-five days thence next ensuing, when such registration shall cease; *provided*, that any elector who has registered and thereafter moved his residence to another precinct in the same county, thirty days before an election, may have his registration transferred to such other precinct upon his application, verified by oath, setting forth the change of residence, and containing the other facts required for original registration. Upon the filing of such affidavit the county clerk must write on the register, opposite the name of such elector, "canceled by transfer to ——," and re-enter in the great register, with a change of precinct and address, the registration of such elector, writing thereafter the words, "transferred from ——." No transfer from one precinct to another shall be made between a general election and a date twenty-seven days before such election. In cities and counties containing more than one hundred and fifty thousand inhabitants every landlord, or keeper of any premises where lodgers abide shall keep a list of the names of all lodgers occupying rooms or sleeping apartments or beds in the premises under his control, commencing such list on the one hundred and fifteth day previous to any election, and such list shall be kept daily so as to be ready for reference and inspection by the board of election commissioners or a clerk delegated by them for that purpose. Blank lists shall be furnished to every landlord or keeper of premises where lodgers abide and shall be collected daily, by order of the election commissioners; such blanks shall be ruled in columns showing the name of the lodger, the number of room, and the story of the building, and at any time from the beginning of registration to the day of

election, shall be furnished to the board of election commissioners upon their request therefor. Any landlord or keeper of premises where lodgers abide, neglecting or refusing to comply with the provisions of this act, shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be fined the sum of fifty dollars; and in the event of nonpayment of such fine shall be committed to the county jail for a term of days at the rate of one dollar per day for each dollar of said fine. Any voter registered in premises in which the landlord or keeper neglects or refuses to comply with this act shall be cited to appear before the election commissioners within five (5) days in order to verify his right to vote. It shall be considered as a proper citation to such voter if the citation is addressed to the name of party registered, the number of room and place of registration; and if the party cited does not appear in answer to the citation at the time appointed, his name shall be stricken from the register of voters. The landlord or keeper of premises from which the voter is registered shall also be cited to appear at the same time and place at which the citation of his alleged lodger is returnable. [Approved March 27, 1895.]

1096. Such entry must show:

1. The name at length.
2. Business or occupation.
3. The age, omitting fractions of years.
4. The height.
5. The complexion.
6. The color of eyes.
7. The color of hair.
8. The visible marks or scars, if any, and their locality.
9. The country of nativity.
10. The place of residence (giving ward and precinct)



and in cities, and cities and counties of over ten thousand inhabitants, by specifying the name of the street, avenue, or other location of and dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, then it must show that fact, and upon what floor thereof and what room such elector occupies in such house.

11. If naturalized, the time and place of natural zation.

12. The date of the entry of each person; each name must be numbered in the order of its entry.

13. The postoffice address at date of entry of each person.

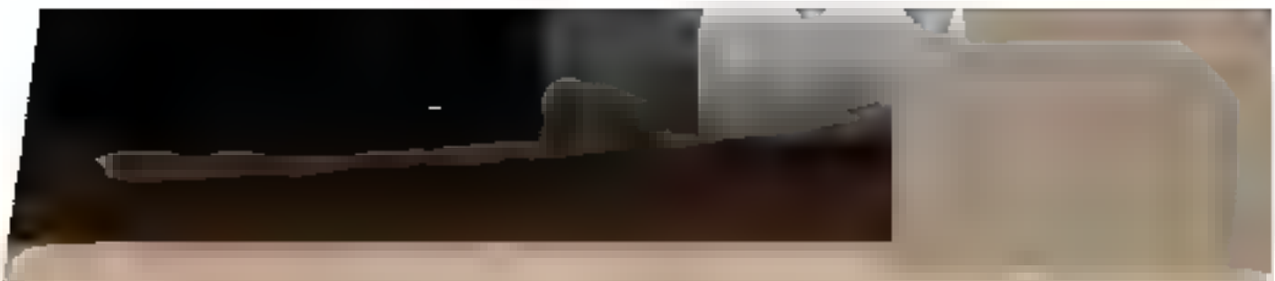
14. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his name, and whether or not the elector has any physical disability, by reason of which he cannot mark his ballot; and if he cannot mark his ballot by reason of physical disability, then the nature of such disability must be entered, and the fact that by reason thereof he cannot mark his ballot. [Approved March 27, 1895.]

1113. The county clerk, or the person charged with the registration of voters in any county or city and county, must arrange all registration affidavits in precinct packages as fast as received. At the close of registration, in counties where a new registration has been ordered, the county clerk, or person charged with the registration of voters in any city or county, or city and county, must arrange alphabetically, according to surnames, the previously separated packages of all the registration affidavits of his county, or city, or city and county, and enter the substance thereof, so arranged, in separate precinct books,

such entries to be completed at least seventy-two (72) days before a general election. Such precinct books shall at all times be open to public inspection. [Approved March 27, 1895.]

1114. In counties in which a new registration shall not have been ordered in any even-numbered year, the county clerk, or person charged with the registration of voters in any county, or city and county, shall keep a book, to be known as the supplemental register, in which shall be entered, under the appropriate precinct heading, all changes made since the last printed register, including, under the head "Additions," all new registrations, and all transfers to a precinct from another precinct; and under the head "Cancellations," all names stricken from the register by reason of death, removal from the county, removal from the precinct of original registration, adjudication that the elector is insane, or legally incapable, or has been convicted of an infamous crime, or embezzlement or misappropriation of public money, or by reason of a judgment directing cancellation, or at the request of the party registered. [Approved March 27, 1895.]

1115. Twenty-six days before a general election, in counties where a new registration shall have been ordered, the county clerk, or person charged with the registration of voters, shall furnish to the printer with whom a contract for the printing of the register shall have been made, the precinct books provided for in section eleven hundred and thirteen of the Political Code. Such precinct book shall, at the time of delivery to the printer, show all transfers, and have stricken therefrom all cancellations since the close of registration. The registers must be printed and delivered, together with the precinct books used as copy, at least ten days before the election. Such registers shall be printed in the form prescribed by



the board of supervisors or election commissioners, either in separate precinct books or in books containing all the precincts, in which last case the precincts in such books shall be alphabetically and numerically arranged, and the names placed therein alphabetically under their appropriate precinct headings. In counties where a new registration shall not have been had in any even-numbered year, there shall be printed, within the time prescribed in this section for printing the registers, a supplemental register, containing all additions, changes, and cancellations, alphabetically arranged under their appropriate precinct headings, since the last printed register, as shown by the supplemental register provided for in section eleven hundred and fourteen of the Political Code. There shall be but one edition of a supplemental register used in connection with the printed register at any general election, and such edition shall show all additions, changes, and cancellations made since the last printed register, although a part of such additions, changes, and cancellations may have appeared in a former printed supplemental register. The county clerk, or person charged with the registration of voters, must have printed a sufficient number of copies of registers and supplemental registers to supply each election precinct in the county with not less than ten copies thereof, and fifty additional for every one thousand votes cast in the county at the next preceding general election; but the board of supervisors or election commissioners may order printed a larger edition, if in their judgment a larger edition is required for subsequent elections or for any other reason. [Approved March 27, 1895.]

Registrar, printing copies of list of voters: 101 Cal. 318, 319.

1116. The county clerk, or person charged with the registration of voters, must, as soon as such copies of the

great registers, precinct registers, or supplemental registers are printed:

1. Post one copy in some public place in the court-house.

2. Deliver, upon demand, one copy to each county and township officer in the county.

3. Transmit and cause to be delivered not less than ten copies to each board of election in the county.

4. Preserve five copies in the office for the inspection of the public.

5. Transmit to the state library, Mercantile Library, Mechanics' Institute, and Odd Fellows' Library, of San Francisco, one copy each.

6. Deliver one copy to each elector of the county or respective precinct applying therefor, until the remainder of the edition printed is exhausted; *provided*, that nothing in this section, except the first, third, and fourth subdivisions thereof, shall apply to counties other than of the first class. [Approved March 27, 1895.]

Registrar, distribution of copies of list of voters 101 Cal. 318.

1130. Employment of counsel in criminal cases 103 Cal. 502.

1142. When an election is ordered, the board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state, shall appoint for each precinct, from the electors thereof whose names appear upon the last assessment roll of said county, or city and county, two inspectors, two judges, and two clerks, the inspectors, judges, and clerks to be selected, respectively, from the several respective political parties which, respectively, cast five per cent of the entire vote of the state at the last preceding general election for electors of president and vice-president now

inated by such political party, so that each such political party shall have at least one representative upon such board; and the remaining officers upon such board shall be apportioned as nearly as may be equally between the two political parties which, respectively, cast the highest and next highest number of votes for said electors at said election. The inspectors and judges so appointed shall constitute a board of election for such precinct. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the state, within ninety days next preceding any election. No person shall be eligible to act as a member of any election board, or as a clerk upon such board, who cannot read and write the English language. Any person acting as a member of any election board, or as a clerk upon such board, who cannot read and write the English language, and any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each one dollar of said fine. [In effect March 28, 1895.]

1192. Certificates of nomination required to be filed with the secretary of state shall be filed not more than

sixty days and not less than forty days before the day fixed by law for the election of the persons in nomination, when the nomination is made by a convention, and not more than sixty days and not less than thirty days before the day of election, when the nomination is made by electors, as provided in section one thousand one hundred and eighty-eight of this code. Certificates of nomination required to be filed with the county clerks, or with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty nor less than thirty days before the day of election, when the nomination is made by a convention, and not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors. Should a vacancy in the list of nominees of a convention occur, such vacancy may be filled by the convention, or if it has delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancy, proceed to fill the same; *provided*, that no nomination shall be made or certified at a period before the day of election less than the minimum number of days provided for filing certificates of nomination made under this code. The chairman and secretary of the convention or of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. When a certificate to fill any vacancy shall be filed with the secretary of state, he shall, in certifying the nomination to the various county clerks, insert the name of the person who has been thus

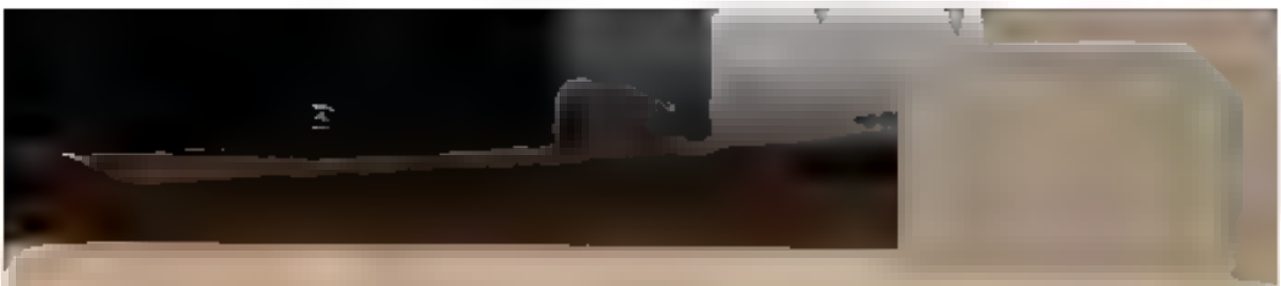
nominated to fill a vacancy in the place of that of the original nominee. Any person whose name has been presented as a candidate, may, at least five days before the making of the publication of the nominations prescribed in this section, cause his name to be withdrawn from nomination, by filing with the secretary of state and county clerk his request therefor, in writing, signed by him and acknowledged before the county clerk of the county in which he resides; and no name so withdrawn shall be printed on the ballot. Whenever any certificate of nomination is presented for filing to any officer authorized to file the same, such officer shall forthwith, upon receipt of the same and before filing, examine the same, and if there is any defect, omission, or reason why the same should not be filed, such officer shall then and there forthwith designate, in writing, the defect, omission, or reason why such certificate cannot be filed, and return the said certificate to the person presenting the same, with such written designation of defect, omission, or reason for not filing the same; and after the filing of any certificate of nomination, no officer required by law to transmit any nomination, or to make up or print any ballot, shall fail or omit to transmit such nomination, or omit to print the name of any nominee or candidate named in any certificate of nomination which has been filed; and unless a certificate of nomination is returned as herein required, the officer to whom the same is properly presented shall file the same as soon as he shall receive and examine the same as herein required, and must file it as of the day it is presented. [In effect March 28, 1895.]

1194. Elections publication of list of nominations by county clerk: 103 Cal. 539.

1199. The county clerk of each county shall provide for each election precinct in the county, not less than one

hundred general tickets for every fifty or fraction of fifty electors registered in the election precinct; and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected; and the clerk or secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected; and upon the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the county clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained in his possession, custody, or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed. [In effect March 28, 1895.]

1208. All officers upon whom is imposed by law of the state the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot-box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot-box, to be marked on the outside "Municipal Tickets"; and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the ballot booths or compartments shall be hidden from the view of those just outside the said guard-rail. The number of



such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the board of election, and then only for the purpose of keeping order and enforcing the law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots. And the election officers shall especially see that the stamps and ink-pads required are at all times in such booths and in condition for proper use; and all officers upon whom is imposed by the law the duty of designating polling places, shall supply each polling place with several stamps and several ink-pads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece. [In effect March 28, 1895.]

1204. Any person desiring to vote shall give his name and address to one of the ballot clerks, who shall then, in an audible tone of voice, announce the same, and if the other ballot clerk finds the name on the register, he shall in like manner repeat the name and address, whereupon a challenge may be interposed, as provided in section one thousand two hundred and thirty of this code. If the challenge be overruled, the ballot clerk shall give him a ticket, and the clerk shall write on the register, opposite the name of the voter, the number of the general ticket given him, and also the number of the municipal ticket given him, when any city, city and county, or town offi-

cer is to be elected; and the voter shall be allowed to enter the place inclosed by the guard-rail, as above provided. The ballot clerk shall give him but one general ticket, and where any city, city and county, or town officers are to be elected, also one municipal ticket, and only one ballot of each kind; and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of a ballot clerk, whenever he shall deliver a ballot to any voter, to then orally and strictly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law, or it will not be counted. [In effect March 28, 1895.]

1207 Any voter who shall spoil a ballot shall return such spoiled ballot to the ballot clerk and receive another one in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in sections one thousand two hundred and sixty-three and one thousand two hundred and sixty-four of this code. Every elector who does not vote the ballot delivered to him, shall, before leaving the polling place, return such ballot to the ballot clerks having charge of the ballots, who shall immediately cancel the same and return them in the same manner as spoiled ballots. The ballot clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting, and immediately upon the closing of the polls, and before any ballot shall be taken from the ballot-boxes, or either

thereof, the ballot clerks must, in the presence of all persons in the room who may desire to observe the same, proceed to deface every unused or spoiled ballot, by drawing across the face thereof, in writing ink, with a pen, two lines which shall cross each other, and said ballot clerks shall thereupon immediately, and before any ballots be taken from the ballot-box, or either thereof, place all said ballots thus defaced within an envelope and seal said envelope, and thereupon a majority of the election officers shall immediately write their names across the sealed portion of said envelope. [In effect March 28, 1895.]

1208. When it appears from the register that any elector has declared under oath, when he registered, that he cannot read, or that by reason of physical disability he is unable to mark his ballot, he shall, upon request, receive the assistance of two of the officers of election, of different political parties, in the marking thereof, to be chosen as follows: One by the inspector then receiving the ballots, and the other by the judge of the opposite political party which at the last election cast the highest number of votes throughout the state, and in the event there are more judges than one of said party, then by the one of said judges who shall be named by said inspector. Neither of the persons appointed shall be of the same political party with the person appointing, nor shall either of said persons so making said appointments appoint the other for said purposes. Such officers shall thereafter give no information regarding the marking of said ballot. The officers making such appointments shall make the same in writing, and sign the same, and upon the same paper the persons so appointed shall subscribe and take the following oath before assisting such elector:

State of California, county of ——, Assembly district number ——, —— precinct, ss.

—— and ——, being duly sworn, each for himself, says that he is one of the officers of election appointed to assist —— (here insert the name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same. —— ——

—— ——

Subscribed and sworn to before me, this —— day of ——, A. D. 18—. —— ——

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsements thereon, shall be returned to the county clerk, as provided in section one thousand two hundred and sixty-one of this code.

Lists of the voters who have been assisted in marking their ballots shall be kept by the clerks keeping the poll lists, and shall be returned and preserved, as the poll lists are returned and preserved. As amended March twenty-third, eighteen hundred and ninety-three. [In effect March 28, 1895.]

1210. Elections, provision for "sample ballot" to be furnished to voters: 103 Cal. 540.

1216. Elections, duties of registrar: 97 Cal. 84.

1258. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. [In effect March 28, 1895.]

1259. Elections, custody of ballots: 97 Cal. 86.

1265. Elections, duty of clerk or registrar, as to custody of ballots: 97 Cal. 86.

1266. Elections, contest, disposition of ballots: 97 Cal. 86, 89.

1365. Act concerning primary elections in counties of first and second classes. See appendix.

1532. Apportionment of school moneys to counties: 97 Cal. 435.

1543. It is the duty of the county superintendent of each county.

First To superintend the schools of his county.

Second—1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district by reason of a large census roll and a small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five, or a number of pupils less than five, during the whole school year, the superintendent shall at once suspend the district, and report the fact to the board of supervisors at their next meeting. The board of supervisors, upon receiving such report from the super-

intendent, shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining school districts in such manner as may be by them deemed most convenient for the residents of said lapsed district.

3. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district shall be transferred by the superintendent to the unapportioned school funds of the county, and shall be apportioned as other school funds are apportioned. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor *pro rata* for the several claims

Third—On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' salaries be drawn unless the order

shall state the monthly salary of teacher, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition.

Fourth—To keep, open to the inspection of the public, a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Seventh—He shall have power to issue, if he deem it proper to do so, temporary certificates, valid until the next semi-annual meeting of the county board of education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which county boards are empowered to grant certificates without examination, as specified in section seventeen hundred and seventy-five; *provided*, that no person shall be entitled to receive such temporary certificate more than once in the same county.

Eighth—To distribute all laws, reports, circulars, in-

structions, and blanks which he may receive for the use of school officers.

Ninth—To keep in his office the reports of the superintendent of public instruction.

Tenth—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.

Eleventh—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.

Twelfth—To appoint trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized, to appoint trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation for such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district.

Thirteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.

Fourteenth—To preserve carefully all reports of school

officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.

Fifteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year, grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same. [Approved March 16, 1895.]

Apportionment of school moneys by county superintendent of schools: 97 Cal. 435, 437.

Apportionment of school fund to what schools: 99 Cal. 29.

Warrants upon school fund are based upon requisitions of the superintendent of schools. 100 Cal. 529.

(Subd. 3). **Form and contents of requisition** upon county auditor for necessary expenses against school fund: 104 Cal. 349.

Payment out of school fund on order of board of education of city: 104 Cal. 350.

1575. Issue of bonds by city for school purposes: 99 Cal. 152.

1576. School district, what forms: 97 Cal. 432.

School district, what forms, under amended statutes 99 Cal. 27, 28.

1577. Formation of high school district: 101 Cal. 659.

1581. School law, management of school property by trustees: 99 Cal. 29.

1596. Election of school trustees: 101 Cal. 660.

1616. Election of boards of education in cities: 97 Cal. 433, 434.

1617. Powers and duties of boards of education: 97 Cal. 434, 435, 436.

(Subd. 5.) **Power of trustees of school district to build schoolhouses, etc.:** 102 Cal. 185.

(Subd. 2.) **Deposit of moneys collected by school officers.** 104 Cal. 354,

1621. Reapportionment of balance of school moneys by county superintendent of schools: 97 Cal. 435.

1662. Power of school trustees as to opening of schools: 99 Cal. 29.

1670. *First*—Any city, incorporated town, or school district having a population of one thousand inhabitants or more, may, by a majority vote of the qualified electors voting at the election held for the purpose of determining the establishment and maintenance of such high school, establish and maintain a high school at the expense of such city, incorporated town, or school district.

Second—Whenever a majority of the heads of families, as shown by the last preceding school census, in any city, incorporated town, or school district, having one thousand or more inhabitants, shall unite in a petition to the board of education, or board of school trustees of said city, incorporated town, or school district, for the establishing and maintaining of a high school therein, said board of education, or board of school trustees shall petition the county superintendent of schools to call an election in said city, incorporated town, or school district, for the determination of the question.

Third—Within twenty days after receiving said petition from said board of education, or board of school trustees,

the county superintendent of schools shall call an election therein for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notice thereof in five of the most public places in said city, incorporated town, or school district, and by publication in a daily or weekly paper therein, if there be one, for not less than fifteen days. Said election shall be conducted in the manner prescribed for conducting school elections. The ballots at such elections shall contain the words "for high school," and the voter shall write or print after said words on his ballot the word "yes," or the word "no." It shall be the duty of said election officers to report the result of said election to the county superintendent of schools within ten days subsequent to the holding thereof.

Fourth.—When a majority in each district, as shown by the last preceding school census, of the heads of families residing in two or more contiguous school districts in the same county, shall unite in a petition to the county superintendent of schools for the establishing and maintaining of a union high school district, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Said election shall be held separately and simultaneously at the public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public schoolhouse in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election in each district shall contain the words

"For the Union High School," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No." It shall be the duty of the said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election.

Fifth—If a majority of the votes cast in the election provided for in subdivision three of this section, in said city, incorporated town, or school district shall be in favor of establishing and maintaining a high school therein, it shall be the duty of the county superintendent to call a meeting of the board of education, or board of school trustees of said city, incorporated town, or school district, within fifteen days after receiving the returns of the election held therein, by giving at least ten days' notice in writing, to every member of said board of education, or board of school trustees. The board of education or board of school trustees shall, at said meeting, determine the location and the name of the high school.

Sixth—If a majority of the votes cast in the districts petitioning for a union high school shall in the aggregate be in favor of establishing and maintaining a union high school therein, the county superintendent shall, within fifteen days after receiving the returns of the election held therein, direct the board of school trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in subdivision twenty of section sixteen hundred and seventeen of the Political Code. At said meeting the qualified electors shall in each district select three representatives. The representatives so chosen shall meet in conjunction with the county superintendent of schools, at a time and place to be named by the superintendent, for the purpose of de-

termining the location and name of the union high school. At such meeting the superintendent shall be the chairman, and shall be entitled to vote and participate in all its proceedings. No change of location of any high school, when once established, shall be made except upon a petition to the county superintendent of schools, signed by two-thirds of the heads of families of the high school district, and then only in accordance with all of the provisions for the original location of the school as contained in subdivisions four and five of this section.

Seventh—In any city, incorporated town, or school district which shall have established the high school, the board of education, or board of school trustees shall constitute the high school board, and shall have the management and control of said high school.

Eighth—In union high school districts composed of more than two school districts, the high school board shall be composed of one member elected from each district composing the high school district at the time and in the manner prescribed for the election of school trustees, except as otherwise provided in this act. The superintendent (or superintendents by concurrent action in joint high school districts), shall, in union high school districts composed of three or more school districts, divide the districts composing the union high school district into three classes, as nearly equal in number of school districts as possible, to be designated by him as class A, B, and C, respectively. At the first annual school election following the passage of this act, the districts in class A, as above divided and designated, shall each elect a high school trustee for one year; the districts in class B shall each elect a high school trustee for two years; the districts in class C shall each elect a high school trustee for three years. At each annual election thereafter, as terms of office expire, the

high school trustees shall be elected for three years, and in case of expiration of term of appointment, for the unexpired term. Vacancies in the high school board shall be filled by appointment by the county superintendent of schools (and in case of joint union high school districts, by concurrent action of the county superintendents of schools), the appointee or appointees to hold until the first day of July succeeding the appointment. The trustees serving on union high school boards, composed of more than two school districts at the time of the passage of this act, shall hold until their successors are elected and shall qualify under the provisions of this act; in the formation of new union high school districts the representatives selected according to the provisions of subdivision sixth of this section, shall constitute the union high school board until their successors are elected, or appointed, and qualified, as provided in this act. In union high school districts consisting of but two school districts the union high school board shall be composed of the boards of school trustees of both said districts.

Ninth.—The union high school board shall meet within ten days subsequent to the locating and naming of the union high school by the parties selected for that purpose, and shall organize by electing a president and a clerk from their own number, to serve until the second Saturday of July next succeeding their election; and thereafter the board shall meet and organize in the same manner on the second Saturday of July of each and every year.

Tenth.—The high school board shall hold regular monthly meetings at the high school building, at such time as may be provided in the rules and regulations adopted by them for their own government. Special meetings may be held at the call of the president of the respective boards. Upon the request, in writing, signed by a majority of any

board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union high school districts composed of more than two districts the regular meetings as above provided shall be quarterly; *and provided further*, that the union high school board in said union high school districts, may appoint an executive committee consisting of the president and secretary and one other member of the board, no two of whom shall be from the same school district, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting ensuing.

Eleventh—The powers and duties of the high school boards shall be such as are now, or as may hereafter be assigned by law to boards of education, or boards of school trustees, including the provisions of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclusive, of the Political Code, relating to the voting and issuance of bonds, except as otherwise provided in this section.

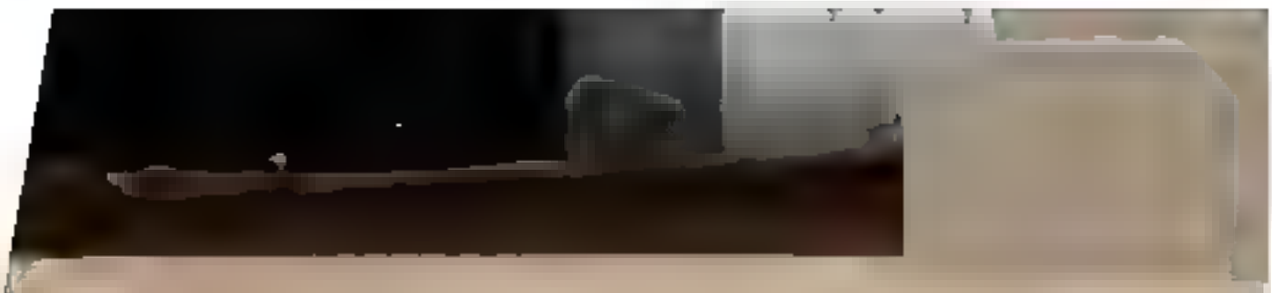
Twelfth—The course of study for the respective high schools shall be prepared by the high school board, and, except in cities and incorporated towns, shall be subject to the approval of the county board of education. Said course of study shall embrace a period of not less than three years; and it shall be such as will prepare graduates therein for admission into the state university. The high school board may prescribe an additional course, or additional courses of study, subject to the approval, as hereinbefore provided. The text-books to be used shall be adopted by the high school board, subject to the same

restriction as is provided for the adoption of the course of study. The state series shall be used in grades and classes for which they may be adapted.

Thirteenth—Graduates of the grammar schools shall be admitted to the high schools without examination. Other applicants of the high school district may be admitted in accordance with such rules as may be prescribed by the high school board: *provided*, that no applicant shall be admitted to the high school who has not practically completed the work of the grammar grades of the county in which the high school is located. Proficiency is to be determined by the principal, subject to approval by the county board of education. The high school board may admit pupils not residing in any high school district, upon the payment of such tuition fees as they may deem proper, and all moneys collected from this source shall be paid into the fund provided for the support of the high school.

Fourteenth—In any city, incorporated town, school district, or union high school district which shall have voted to establish and maintain a high school it shall be the duty of the high school board therein, to furnish to the authorities whose duty it is to levy taxes, on or before the first day of September, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds for the accommodation of the school, and of conducting the school for the school year. It shall be the duty of said board, each and every year thereafter, to present to said authorities, on or before the first day of September, an estimate of the amount of money required for conducting the school for the school year.

Fifteenth—When such estimate shall have been made and submitted it shall be the duty of the authorities whose



duty it is to levy taxes in said city, incorporated town, school district, or union high school district, to levy a special tax upon all of the taxable property of said city, incorporated town, school district, or union high school district, sufficient in amount to maintain the high school. Said tax shall be computed, entered upon the tax-roll, and collected, in the same manner as other taxes are computed, entered, and collected.

Sixteenth—Should the high school board of any city, incorporated town, school district, or union high school district, fail to make the estimate provided for in subdivision fourteen of this section, it shall be the duty of the superintendent of schools, upon the petition of five qualified electors thereof, to make such estimate.

Seventeenth—Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, fail to make the levy provided for, it shall be the duty of the county auditor to make such levy, and add it to the tax-roll of said city, incorporated town, school district, or union high school district.

Eighteenth—All moneys collected from the levy of the tax provided for by this section shall be paid in cities and incorporated towns into the treasury thereof, to the credit of the high school fund; and said moneys shall be paid out by the treasurers of said cities or towns upon the warrants of the high school board, signed by the president and clerk thereof.

Nineteenth—All moneys collected from said levy in school districts, or union high school districts, shall be paid into the county treasury to the credit of the district high school fund, or the union high school fund, respectively, and shall be paid out on the order of the high school board, signed by the president and clerk thereof, as other school moneys are paid out.

Twentieth—Nothing in this section shall be construed as preventing all of the school districts in any county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, school district, or union high school district, shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; *and provided further*, that when any city, incorporated town, school district, or union high school district shall establish a high school, prior to the submission of the proposition to establish a county high school, the electors of such city, incorporated town, school district, or union high school district, shall be excluded from voting upon said proposition; *provided further*, that in counties where one or more city high schools, district high schools, or union district high schools are maintained, the board of supervisors shall, upon the petition of two-thirds of the heads of families in the city high school district, district high school district, and in each school district composing the union high school district or districts, if there be more than one in the county, submit to all the qualified electors of the county the question of establishing and maintaining a county high school, and shall take such further steps as provided in section sixteen hundred and seventy-one of this act, relating to high schools. If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative, the board of supervisors shall, upon the establishment of the same, declare the high school or high schools existing in the county at the time of the election for a county high school, to be lapsed, and the property of such lapsed high school or schools shall be held or sold by the board of supervisors for the benefit of the county high school.

Twenty-first—When the boundaries of school districts

shall for any cause be changed, such change shall not affect the high school district.

Twenty-second - Any school district adjacent to a high school district may be admitted to said high school district by action of the board of supervisors of the county, upon such terms as may be agreed upon between the trustees of the school district seeking admission, and the high school board, whenever a majority of the heads of families, as shown by the last preceding school census, shall present to said board of supervisors a petition for such annexation, accompanied by a petition signed by a majority of the members composing the high school board of the district to which admission is desired.

Twenty-third When the average daily attendance of pupils in any high school during the whole of any school year, after the first school year, shall be ten, or less than ten, the superintendent of schools shall suspend the school in said district, and shall report the fact to the board of supervisors. Upon receiving such report from the superintendent, the board of supervisors shall declare the high school lapsed, and shall cause the property thereof to be sold All moneys received from the sale of the property of the high school district, and all moneys in the treasury to the credit of said high school, shall be distributed by the county superintendent to the districts composing the high school district, in proportion to the assessed valuation of property in said districts.

Twenty-fourth—When, in consequence of distance or of convenience in traveling, it is more convenient for pupils residing in any high school district to attend the high school in another high school district, the high school board of the latter district may admit such pupils to the high school in their district, upon such terms as the two boards may arrange.

Twenty fifth—(1) When a majority of the heads of families residing in two or more adjacent districts, not in the same county, shall unite in a petition to the county superintendents of their respective counties for the establishing and maintaining of a joint union high school district, it shall be the duty of said superintendent, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each district petitioning, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision fourth of this section, and the result thereof shall be reported by the election officers in each district to the superintendents of the counties in which the districts are situated, within five days subsequent to the holding of said election.

(2) If a majority of the votes cast in the districts shall, in the aggregate, be in favor of establishing a joint union high school, the county superintendent in each county shall, within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his respective county, to call a meeting of the qualified electors, as provided in subdivision sixth of this section. At said meeting the qualified electors in each district shall select representatives, as provided in said subdivision. The representatives so chosen shall meet at a time and place, to be agreed upon among themselves, for the purpose of determining the location and name of the school.

(3) The joint union high school board shall be composed as provided in subdivision eighth of this section; and their powers and duties shall be such as are specified in this section for union high school boards; *provided*, that the estimate provided for in subdivision fourteenth of this sec-

tion shall be furnished to the authorities in each of the counties in which the districts uniting are situated; *and provided further*, that the portion of the amount to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment-roll thereof.

(4) All the provisions relative to the levy and collection of the tax necessary to maintain the high school shall apply to the levy and collection of the tax for joint union high schools; *provided*, that the amount collected in each district shall be paid into the treasury of the county in which said district is located, to the credit of a fund to be known as the joint union high school fund, and shall be paid out as provided in subdivision nineteenth of this section. [Approved March 28, 1895.]

1671 *First*—There may be established in any county in this state, one or more county high schools; *provided*, that at any general or special election held in said county after the passage of this act, a majority of all the votes cast at such election, upon the proposition to establish a high school, shall be in favor of establishing and maintaining such county high school or schools at the expense of said county.

Second—The board of supervisors at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by fifty or more qualified electors, taxpayers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The board of supervisors, if they deem it expedient, may order a special election for such purpose. Said election shall be conducted in the manner prescribed by law for conducting elections. The ballots at such election shall contain the words "For County High School," and the voter shall write or print

thereafter on the ballot the word "Yes," or the word "No."

Third—If a majority of all the votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the board of supervisors, within thirty days after canvassing said vote, to locate the school in some suitable and convenient place in said county. The board of supervisors shall also estimate the cost of purchasing a suitable lot, erecting a building, and furnishing the same, for the accommodation of such school, together with the cost of conducting such school for the next twelve months; *provided*, that the high school board may rent suitable rooms for the accommodation of the school. If rooms can be obtained in public school buildings in the place in which said school shall be located, such rooms shall be given the preference.

Fourth—When such estimate shall have been made, the board of supervisors shall thereupon proceed to levy a special tax upon all of the assessable property of the county, except as provided in subdivision twentieth of section one thousand six hundred and seventy of the Political Code, sufficient to raise the amount estimated as necessary for the purchasing of a lot, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following (12) months. Said tax shall be computed, entered on the tax-roll, and collected in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be deposited in the county treasury, and be known and designated as the county high school fund, and shall be drawn from the treasury as other moneys so appropriated are drawn.

Fifth—When the board of supervisors shall have prop-

erly provided and completed the building, together with the necessary fencing of the lot so purchased, they shall cause the same to be deeded to the county board of education, who shall hold the same in trust for the county.

Sixth—It shall be the duty of the county board of education to furnish to the board of supervisors, annually, an estimate of the amount of money needed to pay all of the necessary expenses of running said school; to adopt the necessary text-books (the state series shall be used in grades and classes for which they are adapted); to adopt and enforce a course of study for said schools, to employ suitable teachers, janitors, and other employees, and discharge such employees when deemed advisable by them, and to do any and all other things necessary to the proper conduct of the school. The course of study shall embrace a period not less than three years, and it shall be such as will prepare graduates therein for admission to the state university.

Seventh—It shall be the duty of the board of supervisors to include in their annual tax levy an amount sufficient to maintain the county high school; and such amount, when collected and paid into the county treasury, shall be known as the "county high school fund," and may be drawn therefrom in the following manner, for the purpose of defraying the expenses of conducting said county high school. The county board of education shall draw their order on the county superintendent of schools, in the manner and form provided by law for school district trustees drawing orders on their district school funds, and the county superintendent shall draw his requisition on the auditor, who shall draw his warrant on the county treasurer in favor of the person or persons to whom the amount called for in such requisition is due. All orders, requisitions, and warrants drawn on the "county high school

fund," in all other respects, except as specified in this act, shall be subject to the law governing school districts.

Eighth—In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school.

Ninth—All county high schools shall be open for the admission of graduates holding diplomas from the grammar schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admission shall be conducted by the county board of education and the principal of the county high school.

Tenth—Nothing in this act shall be construed so as to prevent the principal of the high school from acting as principal of the grammar school of the school district in which the high school is located, if so desired by the trustees of said school district.

Eleventh—All proceedings for the establishment of county and union high schools had prior to the passage and approval of this act are hereby validated and declared legal, and said high schools shall continue under the provisions of the law under which they were established, until the first day of July, one thousand eight hundred and ninety-five; thereafter they shall be conducted in accordance with the provisions of this act. [Approved March 28, 1895.]

Validity of proceeding to organize high school district: 101 Cal. 601.

1702. ***An act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties of the state***

[Approved March 26, 1895.]

SECTION 1. The superintendent of public schools, the county treasurer, and the chairman of the board of supervisors of each county or city and county and their successors in office, are hereby constituted a board of trustees of the "school teachers' annuity and retirement fund," to provide for the disbursement of the same, and to designate the beneficiaries thereof, as hereinafter directed, which board shall be known as the "school teachers' retirement fund commissioners."

SEC. 2. They shall organize as such board by choosing one of their number as chairman and one as secretary. The county treasurer shall be *ex officio* treasurer of such fund. Such board of trustees shall have charge of and administer said fund and order payments therefrom according to the provisions of this act. They shall report annually, in the month of July, to the board of supervisors the condition of such fund, and the receipts and the disbursements on account of the same, with a full and complete list of the beneficiaries of said fund, and the amounts paid to each of them.

SEC. 3. Whenever any teacher entitled to the benefits of this act has taught in the public schools of this state for a period of twenty years, and shall become incapacitated from performing the duties of a teacher, such teacher shall, at his or her request, and may, in the discretion of the board of school trustees, without such request, be retired as a teacher, and shall thereafter receive an annuity out of said fund of forty-five dollars per month, and if such teacher has taught for twenty-five years or over shall, under the same circumstances, be retired upon an annuity of fifty dollars per month, such payments to be made out of the funds in the different counties in proportion to the length of time taught by such teacher in each county, but in case any teacher should be retired within three years after the passage of this act, he or she must, in order to receive the benefits thereof, pay into the fund provided for in this act the sum of three hundred dollars: *and provided further*, that if at any time there shall not be sufficient money in said fund to pay the warrants drawn thereon as presented for payment, the treasurer shall register said warrants, and mark on the back of each these words: "Presented for payment this ____ (giving day, month, and year) and not paid for want of funds. ____, treasurer of ____ county." And such warrants shall be paid in the order of registration and bear interest at five per cent per annum from date of registration.

SEC. 4. The board herein provided for shall hold quarterly meetings on the third Saturday of January, April, July, and October of each year at the office of the county superintendent of public schools. Such board shall biennially, at its meeting in January, select from its members a president and secretary. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto for the amount of money or-

dered paid to such persons from such fund by said board, stating therein for what purpose such payment is made. It shall keep a record of all its proceedings, which shall be public. It shall at each quarterly meeting send to the treasurer of the county or city and county and to the auditor of such county or city and county a list of all persons, if any, entitled to payment out of the fund provided in this act, stating the amount of such payments and for what granted, which list shall be sworn to as correct by the president and secretary of said board, and the auditor shall thereupon enter a copy of said list in a book to be kept for him for that purpose known as the "school teachers' salary fund book." When such list has been entered in such book by the auditor, he shall transmit the same to the board of supervisors of said county, city and county, which board shall order the payment of the amount named out of the fund provided for by this act. A majority of the members of said board shall constitute a quorum for the transaction of business.

SEC. 5. In addition to the powers hereinbefore granted to said board, it shall have the further power, first, to subpœna and compel witnesses to attend and testify before it in all matters relating to the operation of this act, and any member of said board may administer an oath or affirmation to said witness, in the form prescribed in courts of justice; second, to provide for the payment, out of said fund, of all expenses, such as for printing, for stationery, and for postage stamps, to the members of said board as such shall serve without compensation; third, to make all such needful rules and regulations for the transaction of their business, from time to time as may be necessary.

SEC. 6. To provide a fund for the payments provided for in this act the secretary of the board of education of each municipality shall certify monthly to the treasurer of such municipality, and the board of trustees in every school district of any city of such municipalities shall certify and pay over in like manner to the county treasurer of each county a sum per cent of the amount due each teacher as salary for the preceding month, and all moneys derived from any other source shall be paid to the county treasurer to the credit of such fund. Such board shall also receive and place to the credit of said fund all moneys received from donations, legacies, gifts, bequests, or otherwise.

SEC. 7. This act shall be binding only upon public school teachers who, after the passage of this act, shall sign and deliver to the board of education of the municipality in which they are employed a notice in substantially the following form:

_____, 189_.

To the board of education (or trustee, as the case may be) *of* _____:

You are hereby notified that I agree to be bound by and desire to avail myself of the provisions of the act of the Legislature of California, approved _____, eighteen hundred and ninety-five, entitled "An act to create and administer a school

achers' annuity and retirement fund" in the several coun-
s and cities and counties in this state.

Public School Teacher

And no teacher employed in the public schools of this state the time of the passage of this act failing to give such notice all be entitled to any benefits under this act or subject to y of its burdens. And no teacher employed after the pas-ge of this act, who, within ninety days after such employ-ent, fails to give such notice shall share the benefits of or be bject to the burdens of this act.

Such notices shall be delivered to the treasurer of such municipality, and a copy thereof to the commissioners of said fund, and preserved as a record for their information.

SEC. 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

1770. Repeal of statute by implication: 104 Cal. 259.

1793. Powers of board of education to elect city superintendent, etc.: 97 Cal. 444.

Election of teacher, duration of term: 97 Cal. 608.

1817. Power of taxation for school purposes: 102 Cal. 472.

1818. Power to levy "county school tax": 97 Cal. 436.

1820. Payment of county school tax into county treasury: 97 Cal. 436.

1830. School law, authority to raise tax by vote of district: 97 Cal. 436.

1833. School law, raising tax by vote of district: 102 Cal. 185.

1837. School law, taxation for school purposes by vote of district: 97 Cal. 436.

1857. Poll tax, compensation for collection of: 104 Cal. 64.

1858. School law, management of school property by trustee: 99 Cal. 29.

1859. School law, illegal disbursements of school moneys: 99 Cal. 29.

1880. The board of trustees, board of education, or other governing body of any school district may, when in their judgment it is advisable, and must upon a petition of a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money for purchasing school lots, for building or purchasing one or more schoolhouses, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes, and for liquidating any indebtedness already incurred for said purposes. [In effect March 27, 1895.]

Issuance of school district bonds by supervisors of county: 99 Cal. 151.

Submission to voters of school district of question to secure funds for school purposes: 102 Cal. 185.

1884. On the seventh day after said election, at one o'clock P. M., the returns having been made to the board of trustees, board of education, or other governing body of such school district, the board must meet and canvass said returns, and if it appears that two-thirds of the votes cast at said election was in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county all the proceedings had in the premises, and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of such district, to the number and amount provided in such proceedings, payable out of the building fund of such district, naming the same, and that the money shall be

ded by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment-book of the county. [In effect March 27, 1895.]

1886. Said bonds must not bear a greater amount of interest than eight per cent, said interest to be payable annually or semi-annually, and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said school district, and be drawn out for the purposes aforesaid as other school moneys are drawn out. All the proceedings of every school district and of every board of trustees, board of education, board of supervisors, and of all officers of school districts and counties purporting to have been taken under or by authority of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclusive, of the Political Code, shall be valid in the same manner and to the same extent as if sections one thousand eight hundred and eighty and one thousand eight hundred and eighty-four of said code, at the time when such proceedings were taken, in express language empowered the governing body of all school districts, by whatever name such governing body should be known, to call elections for the purposes set forth in said section one thousand eight hundred and eighty, and to receive and canvass returns, to cause a minute entry of the result of elections, and to certify proceedings to the board of supervisors, as provided by said section one thousand eight hundred and eighty-four. And all bonds of school districts purporting

to have been issued under or by virtue of any or all of the following sections, to wit: sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, of the Political Code, shall be valid in the same manner and to the same extent as if said sections used the words "board of education, board of trustees, or other governing body," in place of the words "board of trustees," whenever the words "board of trustees" occur in said sections. [In effect March 27, 1895.]

1887. School law, issue of school bonds by supervisors of county: 99 Cal. 150, 151.

CHAPTER CLXVIII.

An act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and nineteen, one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty-two, one thousand nine hundred and forty-two, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy, one thousand nine hundred and eighty, one thousand nine hundred and eighty three, one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and ninety, two thousand and three, two thousand and four, two thousand and seven, two thousand and twenty-two, two thousand and twenty-four, two thousand and twenty-seven, two thousand and forty, two thousand and forty-eight, two thousand and seventy-six, two thousand and eighty-three, and two thousand and ninety-

four of the Political Code of the state of California, and to add one new section thereto, to be known and numbered as section one thousand nine hundred and ninety-one, and to repeal sections one thousand nine hundred and eighty-seven, one thousand nine hundred and eighty-eight, one thousand nine hundred and eighty-nine, and two thousand and five of said code, all relating to the National Guard of California.

[Approved March 26, 1895.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

1912. The organized uniformed militia of the state of California are known as the National Guard of the state of California. This force shall not exceed sixty-nine companies, of which sixty companies shall be infantry or artillery, as the board of location may direct, and five companies of the Naval Battalion, and the other four companies shall be distributed to such arms of the service as the board of location may direct. The National Guard must be located throughout the state with reference to the military wants thereof, means of concentration, and other military requirements. [In effect March 26, 1895.]

1919. All staff officers shall be citizens of the state of California, and except surgeons, judges-advocate, and chaplains shall be examined as prescribed for elective officers in section one thousand nine hundred and seventy-four of this code before being commissioned. This provision shall not apply to appointees on the staff of the commander-in-chief. [In effect March 26, 1895.]

1923. All moneys hereafter appropriated for the purchase of service uniforms or equipments shall be devoted entirely to the purchase of uniforms and necessary equipments, which shall be the same as worn by similar corps in the United States army, and nothing further shall be expended upon dress uniforms or equipments. Any regi-

ment, unattached battalion, or unattached company may, however, adopt, subject to the approval of the commander in chief, a distinctive dress uniform and equipments, which may be worn on all occasions, unless otherwise ordered; but the expense of providing and maintaining such uniforms and equipments shall be borne entirely by the organization so adopting. There shall be a board of three officers, to be detailed by the commander in chief, which board shall meet from time to time, but at least once in each year, for the purpose of considering and recommending to the commander in chief what in its judgment is most urgently required for the uniforming and equipping of the guard from time to time. [In effect March 26, 1895.]

1929. Any enlisted man may be discharged before the expiration of his term of service, by order of the commanding officer of the regiment or unattached battalion, or, if a member of an unattached company, troop, or battery, by the brigade commander, on the recommendation of his company commander, and also for any of the following reasons. To accept promotion by commission; upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of the commanding officer, he cannot properly perform his military duty; upon disability, established by certificate of a medical officer; whenever such commanding officer shall approve the application of two-thirds of the members of a company requesting the discharge of an enlisted man thereof, and if, at a regular meeting of a company, or of a meeting called for that purpose, two-thirds of the members of a company desire by vote the discharge of one of their members, an application for the discharge of such soldier shall be made by the company commander. Or he may be dishonorably dis-

arged for either of the following reasons: Upon conviction felony in a civil court; by sentence of a court-martial. character shall be attached to all discharges. Every mber of the National Guard dishonorably discharged m the military service of the state of California shall be franchised for the period of one year next ensuing such charge. The discharges herein provided shall be made by the commanding officer of the regiment or unattached battalion, and in the case of members of unattached companies, troops, or batteries by the brigade commander. [In effect March 26, 1895.]

1932. No dishonorably discharged noncommissioned officer, artificer, musician, or private, or member of a company dishonorably discharged from the National Guard, shall be permitted to again enter any company of the National Guard, except the offense is pardoned by the commander in chief. No dishonorably discharged officer of the National Guard of California shall be permitted to hold any office of trust or emolument, nor be permitted to again enter any company of the National Guard, except the offense be pardoned by the commander in chief. [In effect March 26, 1895.]

1942. The colors carried by organizations of the National Guard shall be such as are borne by similar organizations of the United States army, except that the regimental or battalion color shall have thereon the state coat-of-arms, instead of the arms of the United States; and no military organization provided for by the constitution and laws of the state, and receiving state support, shall, while under arms, either for ceremony or duty, carry any device, banner, or flag of any state or nation, except that of the United States or of the state of California. It shall not be lawful for any body of men whatever, other than the regular organized National Guard of this

state, and the troops of the United States, to associate themselves together as a military company or organization, to drill or parade with arms in this state, without the license of the governor thereof, which license may at any time be revoked; *provided*, that students in educational institutions where military science is a part of the course of instruction may, with the consent of the governor, drill and parade with arms, in public under the superintendence of their instructor; *and provided further*, that nothing herein contained shall be so construed as to prevent benevolent or social organizations from wearing swords. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor and subject to arrest and punishment therefor. [In effect March 26, 1895.]

1962. The companies, troops, and batteries of the National Guard shall be composed of officers and men as follows:

1. Each company of infantry shall have not less than fifty nor more than one hundred and three officers, noncommissioned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, and two musicians.

2. Each troop of cavalry shall have not less than fifty nor more than one hundred and three officers, noncommissioned officers, and privates, which must include one commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two trumpeters, two farriers, and one saddler.

3. Each foot battery shall have not less than fifty nor more than one hundred and three officers, noncommis-

loned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, nd two trumpeters.

4. Each field battery shall have not less than sixty-one or more than one hundred and forty-nine officers, noncommissioned officers, and privates, which must include ne commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two trumpeters, two farriers, and one saddler.

5. The naval battalion shall be commanded by a lieutenant-commander. Each company shal. consist of one lieutenant, one lieutenant junior grade, two ensigns, and not less than fifty nor more than one hundred petty officers and men.

6. The numerical strength, rank, titles, and insignia of rank of the companies, troops, and batteries, and their officers and men, of the National Guard shall conform to the laws, rules and regulations of the United States army so far as the same may be effect vely applicable, and upon changes being made in the said laws, rules and regulations of the United States army, the commander in chief of the National Guard shall cause the same changes to be ma te in the Nat onal Guard to correspond thereto so far as they may be effectively applicable as aforesaid.

7. Each company, troop, or battery may have not to exceed ten honorary members, who shall pay fifty dollars per annum each into the company, troop, or battery treasury, and shall thereupon be entitled to all the exemptions to which men on the active l st are entitled, and sl all not be required to drill or perform any military duty by reason of such membership. [In effect March 26, 1895.]

1970. There must be an annual inspection and muster of the National Guard between January first and June thirtieth, each year, by brigade, regiment, battalion, or company, as may be deemed advisable by the brigade commander; and the commanding officer of each company must make out and certify the necessary muster rolls, showing the names and number of the members of the company, the officers in the order of their rank, and the privates in alphabetical order, and also a list of the ordnance, ordnance stores, clothing, and other property of the state, in the possession of the company. He must transmit, through the proper military channels, one copy of the roll and list attached to each superior headquarters. [In effect March 26, 1895.]

1980. There shall be mustered in and attached to the National Guard a detachment of signal men, which shall be divided into three signal corps, each to consist of not less than twenty nor more than forty men; *provided*, that each corps shall be located in its entirety at one place. Each corps of forty men shall be officered by one captain, one first lieutenant, three sergeants, and four corporals. Each corps of less than forty men shall be officered by one first lieutenant, three sergeants, and four corporals. The commissioned officers shall be elected, qualify, and serve as is provided for other officers of the line. The noncommissioned officers shall be appointed by the brigade commander upon recommendation of the brigade signal officer. The brigade signal officer shall have direct supervision of the detachment of signal corps, and the corps commander shall report to him direct. Whenever the signal corps shall be mounted in the performance of active duty, each officer and man so mounted shall receive a per diem of two dollars during the time of such service. Whenever a state appropriation shall be made for supply-

ing horses to mounted officers and commands, the signal corps shall receive a proportionate allowance from said fund; *provided*, that mounted service is being performed by the corps at such time. [In effect March 26, 1895.]

1983. Regiments of cavalry and artillery shall consist of such troops, batteries, and officers as are provided for such organizations in the United States army, when the National Guard shall contain sufficient troops or batteries to form regiments under those provisions. [In effect March 26, 1895.]

1984. The field officers of a regiment are one colonel, one lieutenant colonel, and one major for each battalion. The field officers of a battalion, when composed of less than six companies and more than three, are one lieutenant colonel, and one major; when composed of two or three companies, then one major only. No person shall be eligible for election as a field officer unless he shall have served at least two years in the National Guard of some state; *provided*, that service in the regular or volunteer forces of the United States shall be counted as services in the National Guard. [In effect March 26, 1895.]

1985. Such officers are elected by the commissioned officers of the different companies comprising a regiment or battalion; and if the regiment or battalion is already formed, by all the commissioned officers thereof excepting staff officers, and they shall hold office for the term of four years. Upon application of the officers entitled to elect, the general of brigade to which such regiment or battalion is attached, or to be attached, must appoint a suitable person to preside at the election, who must give ten days' notice of his appointment, of the place of holding the election, and of the office to be filled, which notice shall be issued and promulgated as orders usually are in the command. The brigade commander may order

an election for field or line officers if application is not made for an order for an election within two months after the vacancy occurs, or after the expiration of the term for which the officer was last elected. [In effect March 26, 1895.]

1987. Section one thousand nine hundred and eighty-seven of the Political Code, relating to the formation of light artillery battalions in the National Guard, is hereby repealed. [In effect March 26, 1895.]

1988. Section one thousand nine hundred and eighty-eight of the Political Code, relating to elections and appointments in artillery battalions in the National Guard, is hereby repealed. [In effect March 26, 1895.]

1989. Section one thousand nine hundred and eighty-nine of the Political Code, relating to drills of artillery battalions in the National Guard, is hereby repealed. [In effect March 26, 1895.]

1990. The staff of a colonel commanding a regiment consists of one surgeon, with rank of major; one adjutant, with rank of captain; one assistant surgeon, with rank of captain; one chaplain, with rank of captain; one battalion adjutant for each battalion; one quartermaster, who shall also act as paymaster; one commissary; one inspector of rifle practice, who shall be ordnance officer, each with the rank of first lieutenant; one sergeant major, one principal musician, one quartermaster sergeant, one commissary sergeant, one hospital steward, two color sergeants, one battalion sergeant major for each battalion, one drum major. All of whom shall be appointed by and hold office at the pleasure of the colonel, or until their successors are appointed and qualified.

The staff of a lieutenant colonel or major commanding an unattached battalion consists of one adjutant, with

the rank of first lieutenant; one assistant surgeon, with the rank of captain; one commissary, who shall also be quartermaster; one inspector of rifle practice, who shall also be ordnance officer, each with the rank of second lieutenant; one sergeant major; one commissary sergeant, who shall also be quartermaster sergeant; one hospital steward, and two color sergeants. All of whom shall be appointed by such commanding officer, and hold office at his pleasure or until their successors are appointed and qualified. [In effect March 26, 1895.]

1991. All surgeons and assistant surgeons of the National Guard shall be of at least five years' practice in surgery prior to their appointment; all judges advocate of the National Guard shall be members of the bar of the supreme court of the state of California; all engineer officers of the National Guard shall be regular civil engineers; all chaplains shall be regularly ordained ministers. [In effect March 26, 1895.]

2003. The National Guard of the state of California is hereby organized into three brigades, each commanded by a brigadier general, the limits of each brigade to be fixed by the commander in chief. Brigadier generals and their staff officers deprived of their office by reason of the reorganization hereby provided for, are hereby placed on the retired list with their rank. [In effect March 26, 1895.]

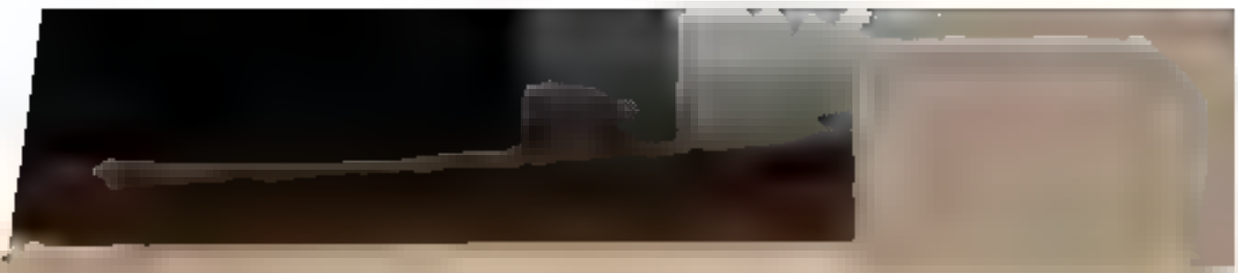
2004. The three brigades of the National Guard compose a division commanded by a major general. [In effect March 26, 1895.]

2005. Section two thousand and five of the Political Code, relating to the attaching of new counties to brigades, is hereby repealed. [In effect March 26, 1895.]

2007. The staff of the brigadier general consists of one assistant adjutant general, with the rank of lieuten-

ant colonel, who shall be chief of staff; one engineer officer; one brigade inspector; one quartermaster, who shall act as paymaster; one commissary; one judge advocate; one inspector of rifle practice, who shall also act as ordnance officer, and one signal officer, each with the rank of major; one surgeon, with the rank of lieutenant colonel; two aides de camp, with the rank of captain, and two staff orderlies, with the rank of sergeant major. All of whom shall be appointed by the brigadier general, and hold office at his pleasure, or until their successors are appointed and qualified. [In effect March 26, 1895.]

2022. The commander in chief may annually order an encampment for discipline and drill, either by division, brigade, regiment, battalion, or unattached company, and all troops assembled and encamped under orders of the commander in chief for not less than seven days shall receive a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate for each company of such last-mentioned allowance of one dollar and twenty-five cents per day shall not exceed the sum of four hundred dollars per company; all officers and men shall receive in addition to the above allowance the actual fare to and from the place of encampment; *and provided further*, that when the division or a brigade is regularly assembled and encamped for discipline and drill for not less than seven days, then in addition to the above allowance, the major general, brigadier general, and each staff officer on the general staff, shall receive from the state the sum of one dollar and twenty-five cents per day while regularly on duty in such camp; *and provided further*, that in any camp held in pursuance of orders from the commander in chief, all mounted officers and enlisted men shall receive the sum of two dollars per day for each horse necessarily used by



am at such encampment; *and provided further*, that by officers and enlisted men of companies of the naval tation such services may be performed afloat. [In effect rch 26, 1895.]

2024. All mounted commands must drill mounted at st four times each year. [In effect March 26, 1895.]

2027. Companies, troops, and batteries already or-nized may wear uniforms and equipments now in use, til supplied by the state with the service uniform and uipments; after which no uniforms and equipments her than those so supplied shall be worn, except that a ss uniform may be worn, as provided in section one usand nine hundred and twenty-three of this code. No ney of the state shall be used or applied to the pur-ase of the uniforms and equipments other than those in is section mentioned. All noncommissioned officers, sicians, and privates of a company, or of a general, gade, regiment, or battalion staff, the members of the nal corps, and of the hospital and ambulance corps, and regularly organized and enlisted bands (which bands all not exceed in number twenty-five each) shall be fur-hed with service uniforms and equipments at the ex-nse of the state. Such uniforms and equipments shall issued to the division brigades, regiments, and com-ies, upon requisition, in such form as may be prescribed. e service uniform and equipments shall be issued to the eral organizations of the National Guard upon requisi-n of the proper officer. The commanding officer of h organization shall be responsible for the keeping and rn of all uniforms and other military property com-ted to his charge. Each commanding officer who shall ive uniforms and equipments or portions of uniforms equipments for the use of his command, shall distribute same to his command as he shall deem proper. The

service uniform and equipments shall be furnished, as aforesaid, by a board which is hereby provided, to consist of three commissioned officers, to be appointed by the commander in chief. This board is authorized and directed to purchase the cloth, arrange for its cutting, and also for its making, when required by the commander of any organization, and also to purchase equipments; and the bills of said board shall be audited, allowed, and paid as are other military demands. This board shall also fix the maximum price or cost of the making of each article of uniform, and shall permit, upon proper requisition of division brigade, regiment, or unattached battalion or company, to draw the money instead of the cloth, or the cost of its making, or either, and provide itself with a corresponding number or articles of uniform; *provided*, that the bills therefor shall be audited, allowed, and paid as other military demands. [In effect March 26, 1895.]

2040. In case of the absence of the commander-in-chief from the capital, or if it is impossible to immediately communicate with him, the civil or military officer making the requisition for troops may, if he deem the danger imminent, and not admitting of delay, serve a copy of such requisition, together with a statement of the commander in chief's absence, or the impossibility of immediately communicating with him, upon the division commander, or in his absence, upon the general commanding the brigade, who is authorized to exercise, with respect to calling out the troops of his division or brigade, the powers conferred in this section upon the commander in chief; but if the call is disapproved by the commander in chief, the troops so called into service must be immediately relieved from such tour of duty. Officers and men performing duty in response to any call as provided herein, shall upon the proper rolls being approved by the board of

itary auditors, receive their pay therefor out of any ney in the state treasury not otherwise appropriated, d the state controller is hereby directed to draw his rrant therefor, and the treasurer is hereby directed to y the same. [In effect March 26, 1895.]

2048. Where troops are called into active service m different brigades or regiments, and the number so lled are not more than sufficient to constitute one com- ete regiment, the commander in chief must so organize them, and must designate the particular officer to command it; or he may make such other organization of said troops as he may deem proper, and designate the officer to command. [In effect March 26, 1895.]

2076. The following officers may appoint courts-martial:

1. The commander in chief for the trial of general officers, retired officers, and all officers of the staff of the commander in chief.

2. The major general for the trial of all staff officers of the division, and brigades, and of field officers of regiments and battalions.

3. The brigadier general for the trial of officers and soldiers in their respective brigades.

4. The commanding officers of regiments and unattached battalions for the trial of all enlisted men in their respective commands. For the trial of enlisted men of regiments or battalions the commanding officers thereof may, at any time, appoint a summary court martial, to consist of one officer, whose rank is not below that of captain. For the trial of enlisted men of unattached companies, troops, or batteries, the brigade commander may, at any time, appoint a summary court martial, to consist of a first lieutenant of such company, troop, or battery.

state, and the troops of the United States, to associate themselves together as a military company or organization, to drill or parade with arms in this state, without the license of the governor thereof, which license may at any time be revoked; *provided*, that students in educational institutions where military science is a part of the course of instruction may, with the consent of the governor, drill and parade with arms, in public under the superintendence of their instructor; *and provided further*, that nothing herein contained shall be so construed as to prevent benevolent or social organizations from wearing swords. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor and subject to arrest and punishment therefor. [In effect March 26, 1895.]

1962. The companies, troops, and batteries of the National Guard shall be composed of officers and men as follows:

1. Each company of infantry shall have not less than fifty nor more than one hundred and three officers, noncommissioned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, and two musicians.

2. Each troop of cavalry shall have not less than fifty nor more than one hundred and three officers, noncommissioned officers, and privates, which must include one commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two trumpeters, two farriers, and one saddler.

3. Each foot battery shall have not less than fifty nor more than one hundred and three officers, noncommis-

sioned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, and two trumpeters

4. Each field battery shall have not less than sixty-one nor more than one hundred and forty-nine officers, noncommissioned officers, and privates, which must include one commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two trumpeters, two farriers, and one saddler.

5. The naval battalion shall be commanded by a lieutenant-commander. Each company shall consist of one lieutenant, one lieutenant junior grade, two ensigns, and not less than fifty nor more than one hundred petty officers and men.

6. The numerical strength, rank, titles, and insignia of rank of the companies, troops, and batteries, and their officers and men, of the National Guard shall conform to the laws, rules and regulations of the United States army so far as the same may be effectively applicable; and upon changes being made in the said laws, rules and regulations of the United States army, the commander in chief of the National Guard shall cause the same changes to be made in the National Guard to correspond thereto so far as they may be effectively applicable as aforesaid.

7. Each company, troop, or battery may have not to exceed ten honorary members, who shall pay fifty dollars per annum each into the company, troop, or battery treasury, and shall thereupon be entitled to all the exemptions which men on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership. [In effect March 26, 1895.]

wise uniform and equipments shall be furnished, as aforesaid, by a board which is hereby provided, to consist of three commissioned officers, to be appointed by the commander in chief. This board is authorized and directed to purchase the cloth, arrange for its cutting, and also for its making, when required by the commander of any organization, and also to purchase equipments; and the bills of said board shall be audited, allowed, and paid as are other military demands. This board shall also fix the maximum price or cost of the making of each article of uniform, and shall permit, upon proper requisition of division brigade, regiment, or unattached battalion or company, to draw the money instead of the cloth, or the cost of its making, or either, and provide itself with a corresponding number or articles of uniform; *provided*, that the bills therefor shall be audited, allowed, and paid as other military demands. [In effect March 26, 1895.]

2040. In case of the absence of the commander-in-chief from the capital, or if it is impossible to immediately communicate with him, the civil or military officer making the requisition for troops may, if he deem the danger imminent, and not admitting of delay, serve a copy of such requisition, together with a statement of the commander in chief's absence, or the impossibility of immediately communicating with him, upon the division commander, or in his absence, upon the general commanding the brigade, who is authorized to exercise, with respect to calling out the troops of his division or brigade, the powers conferred in this section upon the commander in chief; but if the call is disapproved by the commander in chief, the troops so called into service must be immediately relieved from such tour of duty. Officers and men performing duty in response to any call as provided herein, shall upon the proper rolls being approved by the board

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sted men of unattached companies, troops, or
e brigade commander may, at any time, ap-
ary court martial, to consist of a first lieu
n company, troop, or battery.

5. The officer appointing said court shall fix the day on which it shall convene, and when convened the court may adjourn from time to time, as shall become necessary for the transaction of business; but the whole session of the court, from the day on which it shall convene until its dissolution, shall not exceed three weeks, and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy, or order a new court.

6. The officer constituting such court shall, before he enters on his duties as such, take the following oath: I, ——, do swear (or affirm) that I will well and truly try and determine, according to evidence, all matters between the people of the state of California and any person or persons who may come before the summary court martial to which I have been appointed. And such oath shall be taken by him before a justice of the peace of the county in which he resides, or a field officer, and it shall be the duty of such justice of the peace or field officer to administer the oath without fee or reward.

7. Such court shall direct a noncommissioned officer, or other fit person or persons to be by him designated, to summon all delinquents and parties accused to appear before the court at a time and place to be by him appointed, which service shall be personal or by leaving such summons at the residences of such delinquents and parties accused.

8. Such noncommissioned officer, or other person or persons so designated, shall make the like returns and with like effect as commissioned and noncommissioned officers are authorized and required to make in cases of warning to a company or regimental parade, and shall be subject to the like penalties for the neglect of duty.

9. The court shall be conducted in the same manner as summary courts-martial are in the service of the United States, and shall have the trial of all offenses, delinquencies, and deficiencies that occur in the regiment or battalion for which it shall have been appointed, and also of any that occur in the separate companies, troops, or batteries; and the said courts shall have power to impose and direct to be levied all the fines or penalties to which enlisted men are declared to be subject by the provisions of this chapter.

10. The proceedings and sentence of any such court shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove the same within seven days thereafter, and shall give notice of his approval or disapproval to the president thereof; and from the sentence of any such court imposing a fine or penalty for any offense, delinquency, or deficiency, an appeal, if made within twenty days after the fine or penalty was made known to the person fined, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine. [In effect March 26, 1895.]

2083. Courts of inquiry are governed by the same rules as similar courts in the army of the United States. They shall have the same power to compel the attendance of witnesses when summoned by them, to preserve order in and about the courtroom during sessions, and to punish for contempt, as judges of the superior court have under the laws of this state. [In effect March 26, 1895.]

2094. There must be audited and allowed by the board of military auditors, and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry or artillery

company of the National Guard, the sum of one hundred dollars per month; to the commanding officer of each light battery, having not less than four guns, with which they regularly drill and parade, and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month; and to the commanding officer of each company of the naval battalion the sum of one hundred dollars per month, the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriations, to the commanding officer of each regiment or battalion, the sum of five dollars per month for each company in his command for clerical expenses, stationery, printing, and postage; and if the regiment or battalion has more than four companies, and has attached to it an organized and uniformed band of not less than twenty people, the additional sum of thirty-five dollars per month for such band; to the major general four hundred dollars per annum; to the brigadier general of each brigade three dollars per month for each company in his brigade, and to each company a sum necessary for uniforms, and to keep the same in repair, not to exceed one hundred and fifty dollars per annum; and to the adjutant general four thousand dollars per annum, to be expended by him in promoting rifle practice. There shall also be paid from the military appropriations of the state a sum not exceeding five hundred dollars for the first year of its existence, to the brigadier generals for a hospital and ambulance corps in their respective brigades, which sum shall be expended in the purchasing of proper supplies, equipments, and medicines for such corps, and thereafter to such corps there shall be paid a sum, for the same purpose, of not exceeding five hundred dollars per annum. [In effect March 26, 1895.]

2136. *An act to authorize the board of trustees of the Southern California state asylum for the insane and inebriates to convey certain water rights.*

[Approved March 27, 1895.]

SECTION 1. The board of trustees of the Southern California state asylum for the insane and inebriates are hereby authorized to convey, by deed of trust, to the North Fork Water Company, a corporation, all water rights now or hereafter acquired or owned by the state of California for the use of said hospital and the lands pertaining thereto, in exchange for shares of the capital stock of said corporation, such shares to be issued to the said board of trustees in the same manner and in the same proportion according to the extent of water rights conveyed, as other shares that shall be issued by said corporation to other parties in exchange for other water rights, and such conveyance to be made to said corporation upon the same trusts, conditions, and limitations as other conveyances that shall be made by other parties conveying water rights to said corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act to amend section sixteen of an act entitled "An act to provide for the erection and management of a state hospital for the insane, to be located in Southern California, approved March 11, 1887, relating to the powers and duties of the trustees of said hospital, also known as the Southern California state asylum for the insane and inebriates.

[Approved March 27, 1895.]

SECTION 1. Section sixteen of an act entitled "An act to provide for the erection and management of a state hospital for the insane, to be located in Southern California," approved March eleventh, eighteen hundred and eighty-seven, is hereby amended to read as follows:

Section 16. Except in so far as is here limited or enlarged by the provisions of this act, the said trustees shall have the same power, duties, responsibilities, and obligations as are conferred by law upon the trustees of the state asylum for the insane at Stockton, and shall receive like compensation; *provided, however*, that during the construction of said hospital said trustees may receive from the state their actual traveling and other expenses while engaged in the duties of their office. The account of such expenses to be allowed and approved by the state board of examiners, *and provided further*, that all contracts for light, heat, power, and electricity may be let for a term of not more than two years.

SEC. 2. This act shall take effect immediately.

2218. The insane person, together with the order of the judge and certificate of the physicians, must be delivered to the sheriff of the county, and by him must be delivered to the officer in charge of the insane asylum; but

no female insane person shall be taken to the asylum without the attendance of some other female, or some relative of such insane person. [In effect March 9, 1895.]

2326 *An act to amend an act entitled "An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal so much of an act entitled 'An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state,' approved March 8, 1881, and amended by an act approved March 25, 1893, amending section eight, and adding a new section thereto.*

[Approved February 18, 1895.]

SECTION 1. Section eight of said act is hereby amended so as to read as follows:

Section 8. Each association so formed and organized is hereby declared, and shall be recognized, a state institution, and the board so appointed and qualified shall have the exclusive control and management of such institution, and in the name of the state, and shall have the possession and care of all the property of the association, and shall fix the terms of office and the bonds of the secretary and treasurer, and determine their salaries and duties. They shall have the power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its pecuniary and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable: *provided*, that no district fair shall be held in any of the districts during the same period that the state fair is held, and that the state shall in no event be liable for any premium offered, or award made, or for any debt contracted by any district board of agriculture or agricultural association; *and provided further*, that nothing in this section shall be so construed as in any way to affect or modify any of the provisions of section ten and one half of this act.

SEC. 2. A new section is hereby added to said act, reading as follows:

Section 10½. Every such association organized and existing under the laws of the state, and which has heretofore issued certificates alleged to be certificates of the capital stock of such association, and which certificates last mentioned have been accepted by the members of such association in lieu of certificates of membership therein, may elect to have a capital stock and may issue certificates of stock therefor, in the same manner, and with like effect as corporations formed under the provisions of chapter one, article one, of the Civil Code, relating to the formation of corporations.

In order to effect such a change, a meeting of the holders of such alleged certificates of capital stock may be called, at which the holders of such alleged stock shall be entitled to one

vote for each share of such stock appearing in their names, respectively, upon the books of such association. Upon the receipt of a written application, signed by the holders of one-fourth of the shares of such alleged capital stock of such association, requesting him so to do, the secretary of such association shall give notice of the time and place of holding such meeting, by publication in some newspaper printed and published in such county, or city and county, in which the principal place of business of such association is located, at least once a week for three successive weeks next prior to the holding thereof. Such notice shall state that the object of the meeting is (1) to determine whether such corporation elects to have a capital stock as provided by this act, (2) the amount of such capital stock, and (3) the number of shares into which the same shall be divided. At such meeting, should the holders of a majority of the shares of such alleged capital stock vote in favor of having a capital stock and fix the amount thereof, and the number of shares into which it shall be divided, then such corporation shall issue certificates of capital stock to the amount fixed at such meeting, divided into the number of shares provided by said meeting, to the holders of such alleged capital stock, in the same proportion as such alleged stock appears in the names of such holders, respectively, upon the books of such association.

A copy of the notice calling such meeting, the affidavit of publication thereof, the proceedings of such meeting, the amount of capital stock voted, number of shares into which the capital stock was divided, and to whom assigned, duly certified by the chairman of such meeting and the secretary of such association, under the seal thereof, must be filed with the secretary of state and the clerk of the county where such association has its principal place of business. Thereafter such association shall be possessed of all rights and powers, and shall be subject to all the obligations and restrictions, as if it had been originally created a corporation with a capital stock, including the right to elect a board of directors authorized to exercise such control of all the property of such association, as provided in chapters one, two, three, and four of the Civil Code relating to corporations; provided such association shall have no authority to sell any portion of the real estate owned and held by it, by whatever title derived, which may be necessary for the permanent use of such association, for the purposes aforesaid; and provided further, that in the event that such association, after the issuance of a capital stock as aforesaid, shall be offered aid at any time from the state by appropriation for the purpose of holding an annual district fair, and such association, by a vote of the board of directors elected as hereinafter provided, adopts a resolution accepting such appropriation, then and in that event said annual fair shall be held under the control and management of the district board of agriculture of such district, but said district board of agriculture shall have no other authority, control, or management of or over the property of such association, and the authority which it may exercise over said property shall continue only during

the time occupied in holding the said district fair, which time shall not extend over more than one week annually.

When any corporation has elected to issue capital stock under this act, the president thereof shall, within ten days after filing with the secretary of state of the certificate hereinbefore provided, call a meeting of the stockholders of such corporation, for the purpose of electing a board of directors of such corporation, which board of directors shall hold their office until their successors are elected and qualified, and thereafter a board of directors of such corporation shall be elected annually on the day of the month upon which the election of said first board of directors elected as aforesaid is held, unless a different day for holding such election is fixed by the board of directors of such corporation, by its by-laws, properly adopted.

SEC. 3. So much of an act entitled "An act to form agricultural districts, to provide for the organization of agricultural associations therein and for the management and control of the same by the state," approved April fifteenth eighteen hundred and eighty, and of the several acts amendatory thereof, and as are in conflict herewith, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

3594. *An act to amend an act entitled "An act to amend an act entitled 'An act to amend section six of an act entitled "An act concerning the water front of the city and county of San Francisco," approved March fifteenth eighteen hundred and seventy-eight and to confer further powers upon the board of state harbor commissioners' approved March seventeenth, eighteen hundred and eighty," approved March nineteenth, eighteen hundred and eighty-nine, conferring further power upon the said board.*

[Approved March 26, 1895.]

SECTION 1. Section one of an act entitled "An act to amend an act entitled 'An act to amend section six of an act entitled "An act concerning the water front of the city and county of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners,' approved March seventeenth, eighteen hundred and eighty," approved March nineteenth, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Section 1. The said commissioners shall have the possession, jurisdiction and control, over the blocks and parts of blocks formed by the enlargement of the water-front and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves, and thoroughfares. The said commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public or they may, in their discretion, inclose them. The commissioners are also authorized to assign the use of such portion thereof as they deem expedient for such purposes solely as will be most advantageous to the commerce

of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the commissioners. The commissioners are also authorized to lease such portion or portions of seawall lots numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port, *provided* that before the execution of any lease, notice of the letting or leasing of any of the lots hereinbefore mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the lot or portion of lot to be leased, and that bids will be received by the commissioners at a place and time designated in such notice, and that said property shall be let to the highest and best bidder, *provided further*, that all bids for lease of lots, or portions of lots, herein mentioned, shall set forth the purposes for which said lots, or the portions thereof, shall be used, and that the statement of such bid shall be embodied in the lease given by the board of harbor commissioners with the condition that the lot shall be used for such purposes only, *provided further*, that said board shall have power to reject any and all bids; *and provided further*, that in no event shall any such lease or leases be made for a term exceeding twenty-five years, except as hereinafter provided; *provided further*, that the commissioners shall have power to lease, for a period not exceeding fifty (50) years, at a rental not exceeding one thousand dollars ($1,000) per annum, to any railroad corporation incorporated in this state, and not having at the date of the passage of this act any terminal facilities in the city and county of San Francisco, any land belonging to the state, which is required for said purposes, which lies adjacent or contiguous to any public street or streets designated upon the official map of the city and county of San Francisco; but the said lease shall not be assignable without the written consent of the said board of state harbor commissioners; *provided*, that but one parcel of land shall be leased to any one railroad for said purposes, which parcel shall exceed in area fifty (50) acres, with access thereto and right of way through one or more convenient street or streets for switching, however, but one continuous right of way, with one double track; *provided* that a condition to such lease shall be inserted in said lease that said corporation or corporations shall proceed with reasonable diligence within six months from date of said lease, to appropriate said premises for said purposes and proceed to improve with reasonable diligence the same by the construction thereon of such improvements, and in the event it fails to improve the same, or some part thereof, within the time specified said lease shall be forfeited; *provided further*, that no lease shall be approved or executed unless by consent of a majority of said board of state harbor commissioners, and said purposes last named the governor of the state and the mayor of the city and county of San Francisco, or either of the members of said board, are hereby constituted members thereof, with like powers and rights as other members of said board.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

An act to authorize and empower the board of state harbor commissioners to institute condemnation proceedings against certain property on the corner of Market, Sacramento, and East streets, in the city and county of San Francisco, and extending their jurisdiction over the same.

[Approved March 26, 1895.]

SECTION 1. For the purpose of acquiring terminal facilities for the landing of passengers to and from the passenger and ferry depot at the foot of Market street, in the city and county of San Francisco, the board of state harbor commissioners is hereby authorized and empowered to institute condemnation proceedings in the superior court of the city and county of San Francisco, against all parties interested claiming any title in and to that certain lot, piece, or parcel of land in the city and county of San Francisco, bounded and described as follows, to wit:

Commencing at a point on the westerly line of East street, distant thereon sixty (60) feet and four (4) inches northerly from the northwesterly corner of the intersection of the northerly line of Market street with said westerly line of East street; thence southerly along said westerly line of East street sixty (60) feet and four (4) inches to the intersection of said line of East street with the northerly line of Market street; thence westerly along the northerly line of Market street eighteen (18) feet and six (6) inches to the intersection of the northerly line of Market street with the north line of Sacramento street, thence west along the north line of Sacramento street seventy-nine (79) feet and eleven (11) inches to a point on said north line of Sacramento street; thence northeasterly to the point of beginning.

SEC. 2. The inshore limit of the jurisdiction of said board shall be, and is hereby extended so as to include the lot of land described in section one of this act.

SEC. 3. The board of state harbor commissioners may institute any action or actions, and prosecute the same to final judgment for the condemnation of any portion of the premises described in section one of this act, and the purposes hereinbefore mentioned are hereby declared to be a public use for which the right of eminent domain may be exercised by the board of state harbor commissioners in the name of the people of the state, for the estates and rights, and in the manner provided in part three, title seven, of the Code of Civil Procedure of this state.

SEC. 4. The board of state harbor commissioners is hereby authorized to pay any judgment rendered against them in such condemnation proceedings, by a draft drawn upon the controller of the state, who shall draw his warrant therefor on the state treasury, payable out of any money in said treasury credited to the San Francisco harbor improvement fund.

SEC. 5. This act shall take effect from and after its passage.

Powers of state harbor commissioners: 101 Cal. 15.

2618 Public highways, what are: 102 Cal. 29, 230; 103 Cal. 230.

2619 Right of traveler to use road of turnpike company 99 Cal. 213.

Repealed by act approved February 28, 1883.

What roads to be considered highways: 99 Cal. 293; 102 Cal. 29, 30, 31, 32, 36, 37; 103 Cal. 230.

This section repealed March 30, 1874: 104 Cal. 439.

2621. Highways, vacation of: 103 Cal. 232.

2641. Highways, division of counties into road districts 102 Cal. 404.

2643. Highways, provisions for recording of: 99 Cal. 446.

Highways, letting of sprinkling contracts, etc.: 102 Cal. 404.

2645. Highways, this section repealed: 102 Cal. 38.

Highways, duties of road commissioners: 102 Cal. 04.

2652. Highways, levy and collection of road poll tax: 104 Cal. 66, 67.

2654. Highways, percentage to road overseer on collection of road poll tax: 104 Cal. 67.

2688. Highways, hearing of report of viewers: 04 Cal. 393.

2690 Highways, proceeding in matter of opening: 02 Cal. 433.

2692. Private road, condemnation proceeding on opening of. 102 Cal. 433.

2731. Highways, removal of encroachments from. Cal 445, 446.

732. Highways, notice to owner of encroachate on: 99 Cal. 445, 447.

2734. Highways, recovery of statutory penalty for obstruction of: 99 Cal. 447.

2743 Right of traveler to use road of turnpike company. 99 Cal. 213.

2756. Use by traveler of road of turnpike company. 99 Cal. 213.

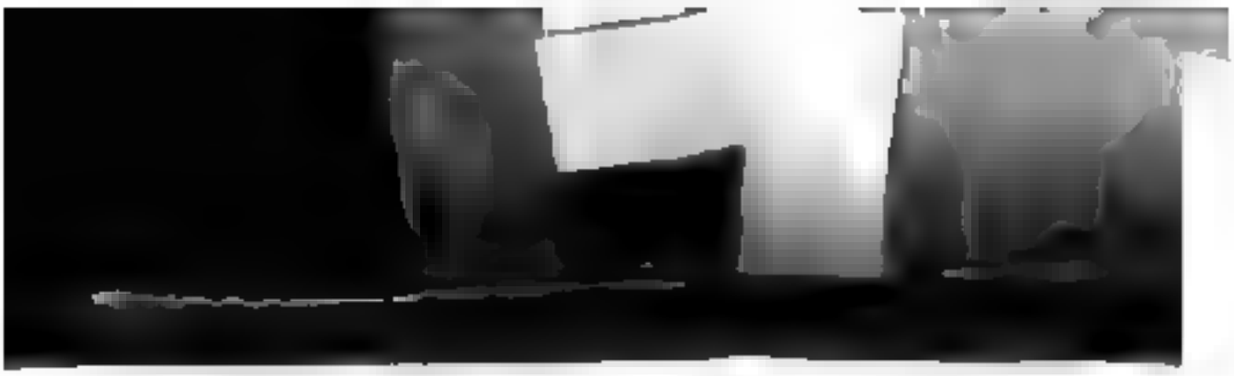
2757. Special provisions relative to highways: 102 Cal. 33, 34.

2799. Road of turnpike company is subject to use by traveler: 99 Cal. 213.

2800. At any time within five years from filing the certificate of completion of any road constructed under the provisions of this chapter, or at any time after any toll road constructed and under operation under any of the laws of this state has been in existence for ten or more years, a county within which the road or any portion thereto is located, may purchase the same at a fair cash valuation, be fixed by seven commissioners, all disinterested persons; three to be appointed by the board of supervisors of the county, three by the owners of the road, and one by the judge of the superior court of the county, who must estimate the fair cash value of the road, and make report thereof, under oath, to the board of supervisors. If, within three months after filing the report, the appraised value thereof is tendered on behalf of the county to the owner of the road, or his authorized managing agent, in gold coin, the right of the owner to take tolls on the road is terminated, and the road to become the property of the county [In effect March 27, 1895.]

Traveler has right to use road of turnpike company 99 Cal. 213.

2815. Use by traveler of road of turnpike company: 99 Cal. 213.



2827. Use by traveler of road of turnpike company: 99 Cal. 213.

2979. *An act to authorize the state board of health to purchase and manufacture diphtheria anti-toxine, and to appropriate six thousand dollars therefor.*

[Approved March 12, 1895.]

SECTION 1. The state board of health is hereby authorized to procure, manufacture, and distribute, through some department of the state university, the medicinal substance known as diphtheria anti-toxine.

SEC. 2. The sum of six thousand dollars is hereby appropriated out of the general fund, to be expended under the direction of the state board of health, for the procurement, preparation, and distribution of diphtheria anti-toxine under the supervision of said state board of health.

SEC. 3. This act to take effect immediately.

3022½. *First*—The board of supervisors of any county, or city and county, where land has heretofore been reserved, set apart, and designated by said board of supervisors, or a committee of said board, for public use as a home for inebriates, shall cause to be erected before August first, one thousand eight hundred and ninety-six, a suitable hospital and home for the care and treatment of dipsomaniacs and inebriates, and provide for the furnishing and maintenance of the same. The plans of construction of said hospital and home must be drawn under the direction of the board of health of said county, or city and county.

Second—When the building or buildings constructed under the provisions of this section are so far completed that in the opinion of the board of health of said county, or city and county, commitments may properly be made thereto, said board of health shall so notify the magistrates of the said county, or city and county; and thereafter the said magistrates may commit to said hospital and home, for a term not exceeding one year, any person given to dipsomania or inebriety, whether in public or private, and who in his opinion, is a proper subject for its treat-

tion in determining the number of votes each voter is entitled to cast. No person shall vote by proxy at such election, unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified as grants of real property, and filed with the board of election. The ballots cast at such election shall contain the words "Bonds, Yes," or the words "Bonds, No," and also the name of the person casting the ballot, with the number of votes cast by him, and a list of the ballots cast shall be made by the board of election containing the name of the voter, and if the ballot be cast by proxy the name of the person casting it, the number of votes cast, and whether the same be cast for or against the issuing of the bonds.

SEC. 4. If the persons or any of them appointed and specified in the notice of election as the board of election fail to attend at the time and place appointed for the election, the voters present at the time for opening the polls may appoint any landholder of the district then present to fill the place of any absent member thereof. Each member of such board of election must, before entering upon his duties as such, take an official oath as such member of the board of election, which said oath may be administered by any officer authorized to administer oaths, or by any landholder in the district. The polls shall be kept open for the reception of votes from ten o'clock a. m. until four o'clock p. m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and forward a certificate showing the number of votes cast for and against the issuing of bonds to the board of supervisors of the county where the district was formed, and deliver a duplicate thereof to the board of trustees of the districts, and shall also deliver to the said board of trustees all ballots cast at such election, and all documents and papers used at such election.

SEC. 5. If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for election to be issued and placed in the custody of the treasurer of the county in which the district was formed. Said bonds shall be of the denomination of one hundred dollars each, shall be negotiable in form, signed by the president of the board of trustees of the district and the chairman of the board of supervisors of said county, and attested by the clerk of said board of supervisors, and the seal of said board of supervisors, shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this act, stating its title and date of approval, and the date of the election at which their issuance was authorized. Said bonds shall bear interest at the rate of seven per cent per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of said county treasurer, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds, and shall be numbered, signed, and attested, in the same manner as the bond.

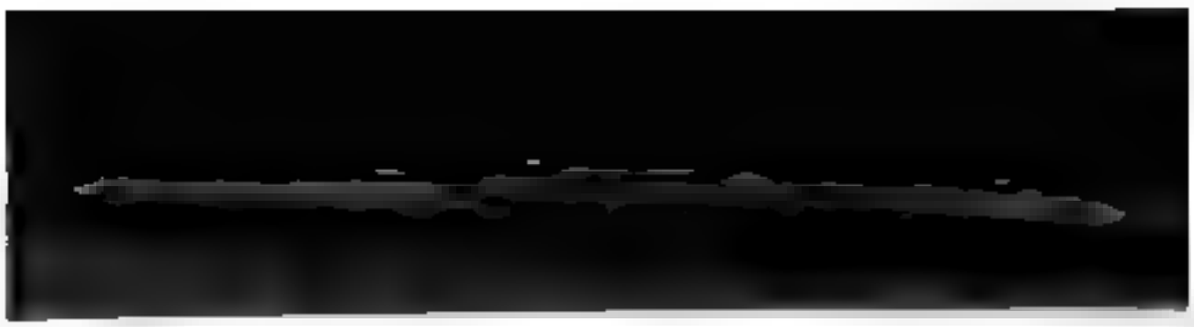
The principal of said bonds shall be paid as follows, to wit: Ten per cent of the whole amount of bonds issued according to their consecutive numbers shall be paid in ten years from the date of their issue, at the office of said county treasurer, and ten per cent thereof each succeeding year thereafter until all are paid. If any bond shall not be presented for payment when the same becomes due it shall cease to draw interest; but if presented at such time and not paid for want of funds, the said county treasurer shall so indorse it and thereafter such bond shall draw interest until paid at said rate of seven per cent per annum payable semi-annually.

SEC. 6. The treasurer of said county shall place the bonds prepared pursuant to this act to the credit of said district, and may at any time sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bond and the accrued interest thereon. Any money derived from the sale of said bonds by said county treasurer shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of said treasurer.

SEC. 7. The board of trustees of said district may draw orders upon the said county treasurer, payable in bonds or money in the proportion and to the amount therein named to pay for labor or services performed by or materials or property furnished to said district for the purpose of constructing the reclamation works hereof and the expenses necessarily incident to maintaining the same and the contingent expenses of said district which said orders shall be approved by the board of supervisors of the county where such district was formed, and thereafter be paid by said treasurer in the manner therein provided for, if such bonds or money then remaining in said treasury to the credit of said district be sufficient to pay the same.

SEC. 8. The principal of said bonds and the interest thereon, shall be paid by revenue derived from a tax levied upon the assessable real property of the district and the board of supervisors of the county wherein said district was formed at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable real property in such district sufficient to pay the interest which may become due upon said bonds during such year and if any portion of the principal of said bonds will become due during such year, then also in an amount sufficient to pay such portion of said principal. All taxes so levied shall be computed and entered [illegible] the assessment roll of the county where such land may be situated, by the county auditor and collected by the tax collector at the same time and in the same manner, as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

SEC. 9. When such district is situated partly in different counties, the assessor of said county or counties, other than the county where the district was formed, and to which such portion of such district may be situated, shall, prior to the time when the board of supervisors meets to make the [illegible]



county purposes in such year, certify to the board of supervisors of the county where such district was formed, a statement of the total value of all the taxable real property of said district, situated in his county, and when such board of supervisors shall have determined the rate of taxation necessary to be levied upon such property, the clerk of said board of supervisors shall certify the same under the seal of said board to the auditor of any county, other than the county where such district was formed, and such auditor shall thereupon compute the tax, and enter the same upon the assessment-roll of said county. When any taxes shall have been collected under any of the provisions of this act, and placed in the treasury of any county, other than the one in which said district was formed, the treasurer of such county must, when requested so to do by the board of trustees of said district, forward all money in such treasury to the county treasurer of the county in which such district was formed, who shall receive and receipt for the same, and place such money in the treasury of such county to the credit of said district.

SEC. 10. No assessor, tax collector, treasurer, or clerk shall receive any fee for any service required to be performed by them under the provisions of this act. All expenses necessarily incurred in carrying out the provisions of this act shall be paid out of any money to the credit of the district for which the services are performed, in the treasury of the county where the district was formed, upon the order of the board of trustees of said district, approved by the board of supervisors of said county.

SEC. 11. This act shall take effect and be in force from and after its passage.

Reclamation district, irregular assessments, cause of action: 104 Cal. 340.

3495. School lands, meaning of phrase "suitable for cultivation": 101 Cal. 521, 522.

3496. Statute, amendment 1880 construed: 102 Cal. 419.

3498. School lands, approval of application, demand of order of reference: 98 Cal. 275.

3500. School lands, application to purchase: 101 Cal. 521, 522.

3514. School lands, certificate as evidence of title: 98 Cal. 403.

3549. Service of summons under this section, validity of judgment: 101 Cal. 573; 103 Cal. 453.

3573. School lands, act of 1872 superseded by this section: 99 Cal. 460.

3607. All property in this state, not exempt under the laws of the United States, excepting fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, growing crops, property used exclusively for public schools, free public libraries, and free museums, and such as may belong to the United States, this state, or to any county or municipal corporation within this state, is subject to taxation, as in this code provided; but nothing in this code shall be construed to require or permit double taxation. [In effect March 28, 1895.]

An act to amend sections two, six, eleven, fifteen, seventeen, and eighteen of an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

[Approved March 9, 1895.]

SECTION 1. Section two of an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:

Section 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section eleven of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the state of California, in a penalty of

visors or other governing body of any county, city, city and county, or town, or any commission created by an act of the legislature, having in charge the construction of such unfinished building, shall have the right in the construction thereof to omit from the original or adopted plan thereof such part or parts as in their judgment they shall deem necessary to be left out: *provided*, no contract has been let for the construction of such part or parts.

If, in the judgment of such officers, the public good requires, they may let contracts according to law for the construction, in whole or in part, of the unfinished portions of such public building or buildings in accordance with such altered plan. When the same shall have been constructed in accordance with such altered plan, the building shall be deemed to have been completed.

SEC. 2. Whenever, during the construction of such public building or buildings, changes in the original plans or designs have heretofore been made, and contracts for the construction of the work in whole or in part in accordance with the altered plans or designs have been entered into by the board of supervisors, or other governing body of any county, city, city and county, or town, or by the commission having the construction thereof in charge, the said alteration of the original plans or designs that have been made and contracts for same that have been entered into, are hereby ratified, approved, and confirmed.

SEC. 3. This act shall take effect from and after its passage.

3284 *An act to amend section three of "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23, 1876, and an act amendatory thereof, approved March 31, 1891.*

[Approved March 27, 1895.]

SECTION 1. Section three of "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six, is hereby amended to read as follows:

SEC. 3. That after such plans, descriptions, bills of materials, and specifications and estimates as are in this act required are made and approved, in accordance with the requirements of this act, it shall be and is hereby made the duty of such commissioners, directors, trustees or other officer or officers to whom the duty of devising and superintending the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement as in this act provided to give or cause to be given public notice of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvement, or for the adding to, altering, or improvement thereof, and a contract or contracts based on such sealed proposals will be made, which notice shall be published weekly for four consecutive weeks next preceding the day named for the making of such contract or contracts, in the paper having the

largest circulation in the county where the work is to be let, and in three daily papers having the largest circulation and published one in each of the cities of Los Angeles, Sacramento, and San Francisco, and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to public inspection at all business hours between the date of such notice and the making of such contract or contracts. The aforesaid notice must state that separate bids will be received and separate contracts let for the performance of each of the following parts of said erection, addition, alteration, or improvement, including the furnishing of materials and labor necessary therefor, viz.: first, for the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations and filling; second, for the iron work; third, for the carpenter, plastering, electric, and glazing work; fourth, for the plumbing and gas-fitting work; fifth, for the heating work; sixth, for the roofing, galvanized iron, and slating work; and seventh, for the painting and graining work; and there shall be in all such cases as any separate contracts let therefor as there are different kinds of work, according to the foregoing classification, whether the same be let by the state board of harbor commissioners or any other of the aforesaid commissioners, directors, trustees, or other officer or officers.

SEC. 2. This act shall take effect and be in force from and after its passage.

3345. Contract for work, violation of eight-hour law: 98 Cal. 589.

3359. Day embraces what period of time: 104 Cal. 92.

3335. *An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations.*

[Approved March 26, 1895.]

SECTION 1. In every city, or city and county, of this state, where there is a regularly organized paid fire department the board of supervisors, common council, commissioners, or other [illegible] having the management and control of the same, are authorized and required, once in every year, to provide for granting each member thereof a leave of absence from active service for a period of not less than ten nor more than fifteen days. Leaves of absence so granted must be arranged by said board or commission so as not to interfere with or in any way impair the efficiency of the department, and leaves of absence granted in cases of sickness, or in consequence of injuries received while in the discharge of duty, shall not be construed to or become a part of the leave of absence provided for by this act. No deduction must be made from the pay of any

member of such fire department granted a leave of absence under the provisions of this act.

SEC. 2. This act shall take effect immediately.

Fire companies, formation and organization of: 100 Cal. 263.

Fire companies, election of officers: 100 Cal. 263.

3342. Fire department, duties of chief of. 100 Cal. 263.

3343. Duties of chief of fire department: 100 Cal. 263.

3344. Damages for negligently firing one's own woods: 98 Cal. 270.

3360. License tax, enforcement of collection of by action: 100 Cal. 270.

3387. *An act authorizing the payment of salaries by boards of supervisors to persons who have been employed to collect county licenses, and legalizing all payments heretofore made to such persons.*

[Approved March 27, 1895.]

SECTION 1. That the board of supervisors of any county in which such board has appointed persons to collect the county license, are hereby empowered and directed to pay to any person so appointed and who shall have duly performed such services in collecting such licenses the amount agreed upon as compensation for such services at the time of such appointment, *provided*, that no such payment shall be made for services rendered after the passage of this act.

SEC. 2. All acts of such board in making such appointment and payment made by them for services heretofore rendered in the collection of such licenses, are hereby approved and legalized.

SEC. 3. This act shall take effect and be in force from and after its passage.

3414. School lands, contest concerning evidence of title: 98 Cal. 402.

3415. School lands, action to cancel certificate of purchase: 98 Cal. 402.

3416. School lands, contest as to evidence of title: 98 Cal. 403.

3454. Reclamation district, organization of, recovery of assessment: 104 Cal. 334, 336.

3459. Reclamation district, assessment for reclamation work to be done: 98 Cal. 53, 54.

3461. Swamp-land assessments, duty of assessor: 101 Cal. 366.

3466. *An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof, for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts.*

[Approved March 27, 1935.]

SECTION 1. Whenever in the opinion of the board of trustees of any reclamation district now formed, or hereafter to be formed, under any law of this state, the cost of the works of reclamation according to the plans thereof will be too great to be raised by assessments as provided in the Political Code, said board of trustees shall order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question whether or not the bonds of said district shall be issued in an amount necessary to construct said works of reclamation, which said amount shall be estimated by said board of trustees, and stated in the order for such special election.

SEC. 2. Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district, at least twenty days prior thereto, and also by publication for the same time in some newspaper published in each county in which any portion of said district may be situated, if there be a newspaper published in each of such counties, and if there is no newspaper so published, then by such publication in each county in which there is a newspaper published, and such notice must specify the time and place of holding such election, the amount of bonds proposed to be issued, and the names of three landholders of the district to act as a board of election.

SEC. 3. At such election each holder of lands in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, the value thereof to be determined from the next preceding assessment roll of the county where the same is situated, and the board of trustees of the district shall, prior to the election, procure from the assessor of each county where any portion of the district is situated, a list, certified by such assessor, containing a description of all the land of the district situated in such county, the name of the person to whom each tract is assessed, and the value thereof as appears from the assessment-roll of said county, which said list shall be furnished to and be used by the said board of elec-

tion in determining the number of votes each voter is entitled to cast. No person shall vote by proxy at such election, unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified as grants of real property, and filed with the board of election. The ballots cast at such election shall contain the words "Bonds, Yes," or the words "Bonds, No," and also the name of the person casting the ballot, with the number of votes cast by him, and a list of the ballots cast shall be made by the board of election containing the name of the voter, and if the ballot be cast by proxy the name of the person casting it, the number of votes cast, and whether the same be cast for or against the issuing of the bonds.

SEC. 4. If the persons, or any of them, appointed and specified in the notice of election as the board of election fail to attend at the time and place appointed for the election, the voters present at the time for opening the polls may appoint any landholders of the district then present to fill the place of any absent member thereof. Each member of such board of election must, before entering upon his duties as such, take an official oath as such member of the board of election, which said oath may be administered by any officer authorized to administer oaths, or by any landholder in the district. The polls shall be kept open for the reception of votes from ten o'clock A. M. until four o'clock P. M. At the close of the polls the board of election shall at once proceed to canvass the votes, and declare the result, and forward a certificate, showing the number of votes cast for and against the issuing of bonds, to the board of supervisors of the county where the district was formed, and deliver a duplicate thereof to the board of trustees of the district; and shall also deliver to the said board of trustees all ballots cast at such election, and all documents and papers used at such election.

SEC. 5. If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for election to be issued and placed in the custody of the treasurer of the county in which the district was formed. Said bonds shall be of the denomination of one hundred dollars each, shall be negotiable in form, signed by the president of the board of trustees of the district, and the chairman of the board of supervisors of said county, and attested by the clerk of said board of supervisors, and the seal of said board of supervisors, shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this act, stating its title and date of approval, and the date of the election at which their issuance was authorized. **Said bonds shall bear interest at the rate of seven per cent per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of said county treasurer, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds, and shall be numbered, signed, and attested, in the same manner as the bond.**

The principal of said bonds shall be paid as follows, to wit: Ten per cent of the whole amount of bonds issued according to their consecutive numbers shall be paid in ten years from the date of their issue, at the office of said county treasurer, and ten per cent thereof each succeeding year thereafter until all are paid. If any bond shall not be presented for payment when the same becomes due, it shall cease to draw interest, but if presented at such time, and not paid for want of funds, the said county treasurer shall so indorse it, and thereafter such bond shall draw interest until paid, at said rate of seven per cent per annum, payable semi-annually.

SEC. 6. The treasurer of said county shall place the bonds prepared pursuant to this act to the credit of said district, and may at any time sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bond, and the accrued interest thereon. Any money derived from the sale of said bonds by said county treasurer shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of said treasurer.

SEC. 7. The board of trustees of said district may draw orders upon the said county treasurer, payable in bonds or money, in the proportion and to the amount therein named, to pay for labor or services performed for, or materials or property furnished to, said district for the purpose of constructing the reclamation works thereof and the expenses necessarily incident to maintaining the same, and the contingent expenses of said district which said orders shall be approved by the board of supervisors of the county where such district was formed, and thereafter be paid by said treasurer in the manner therein provided for, if such bonds or money then remaining in said treasury to the credit of said district be sufficient to pay the same.

SEC. 8. The principal of said bonds, and the interest thereon, shall be paid by revenue derived from a tax levied upon the assessable real property of the district, and the board of supervisors of the county where said district was formed, at the time of making the levy of taxes for county purposes, must levy a tax for that year, upon the taxable real property in such district sufficient to pay the interest which may become due upon said bonds during such year, and for any portion of the principal of said bonds which become due during such year, then also in an amount sufficient to pay such portion of said principal. All taxes so levied shall be computed and entered on the assessment-roll of the county, where such land may be situated, by the county auditor, and collected by the tax collector at the same time, and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

SEC. 9. When such district is situated partly in different counties, the assessor of said county, or counties, other than the county where the district was formed and in which any portion of such district may be situated, shall, prior to the time when the board of supervisors meets to make the levy for

county purposes in each year, certify to the board of supervisors of the county where such district was formed a statement of the total value of all the taxable real property of said district, situated in his county, and when such board of supervisors shall have determined the rate of taxation necessary to be levied upon such property, the clerk of said board of supervisors shall certify the same under the seal of said board to the auditor of any county, other than the county where such district was formed, and such auditor shall thereupon compute the tax, and enter the same upon the assessment roll of said county. When any taxes shall have been so levied under any of the provisions of this act, and placed in the treasury of any county, other than the one in which said district was formed, the treasurer of such county must, when requested so to do by the board of trustees of said district, forward all money in such treasury to the county treasurer of the county in which such district was formed, who shall receive and receipt for the same, and place such money in the treasury of such county to the credit of said district.

SEC. 10. No assessor, tax collector, treasurer or clerk shall receive any fee for any service required to be performed by them under the provisions of this act. All expenses necessarily incurred in carrying out the provisions of this act shall be paid out of any money to the credit of the district for which the services are performed, in the treasury of the county where the district was formed, upon the order of the board of trustees of said district, approved by the board of supervisors of said county.

SEC. 11. This act shall take effect and be in force from and after its passage.

Reclamation district, irregular assessments, cause of action: 104 Cal. 340.

3495. School lands, meaning of phrase "suitable for cultivation": 101 Cal. 521, 522.

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[Approved March 9, 1895.]

SECTION 1. Section two of an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:

Section 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section eleven of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the state of California, in a penalty of

twice the amount of the tax arising upon personal estate with such sureties as the said superior court may approve conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county *provided further*, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

SEC. 2. Section six of said act is hereby amended to read as follows:

Section 6. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon upon the market value thereof from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon, and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator or trustee shall collect said tax from the distributee thereof and the same shall remain a charge on such real estate until paid. If however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount but if it be not in money he shall make application to the superior court to make an apportionment, if the case requires it, of the sum to be paid into his hands by such legatees and for such further order relative thereto as the case may require.

SEC. 3. Section eleven of said act is hereby amended to read as follows:

Section 11. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the superior court in which the probate proceedings are pending, on the application of any interested party or upon his own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice as may to all persons known to have or claim an interest in such property, and to such persons as the court may by order direct of the time and place at which he will appraise such property and at such time and place to appraise the same, and make a report thereof, in writing to said court together with such other facts as may relate thereto as said court may by order require to be reported with the clerk of said court, and from this report said court shall by order forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all persons known to be interested therein, and the value of every future or contingent or limited estate, income, or interest shall for the pur-

pense of this act be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assumed in computing the present value of all future interests and contingencies shall be five per centum per annum and the insurance commissioner shall on the application of said court determine the value of such future or contingent or limited estate income, or interest, upon the facts contained in such report and certify the same to the court and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on the certificate of the court at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

SEC. 4. Section fifteen of said act is hereby amended to read as follows:

Section 15. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the district attorney of the proper county in writing of such failure to pay such tax, and the district attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the superior court, as provided in section fourteen of this act, for the enforcement and collection of such tax.

SEC. 5. Section seventeen of said act is hereby amended to read as follows:

Section 17. Whenever the superior court of any county shall certify that there was probable cause for issuing a citation, and taking the proceeding specified in section fifteen of this act, the state treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid.

SEC. 6. Section eighteen of said act is hereby amended to read as follows:

Section 18. The county clerk of each county shall keep a book in which he shall enter the values of inheritances, devises, bequests, and other interests subject to the payment of said tax, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which books shall be kept by him as public records.

SEC. 7. This act shall go into effect on and after its approval.

Double taxation not permitted by the code. 76 Cal. 575.

3617. Whenever the terms mentioned in this section are employed in this act, they are employed in the sense hereafter affixed to them:

First—The term "property" includes moneys, credits, bonds (except of railroad or quasi-public corporations), stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership.

Second—The term "real estate" includes:

1. The possession of, claim to, ownership of, or right to, the possession of land.

2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations, growing or being on the lands of the United States, and all rights and privileges appertaining thereto.

3. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, when land is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.

4. Improvements.

Third—The term "improvements" includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines.

2. All fruit, nut-bearing, or ornamental trees and vines, not of natural growth, excepting fruit and nut-bearing trees under four years of age, and grapevines under three years of age.

Fourth—The term "personal property" includes every thing which is the subject of ownership, not included within the meaning of the term "real estate" or "improvements."

Fifth—The terms "value" and "full cash value" mean

ount at which the property would be taken in pay-
of a just debt due from a solvent debtor.

th—The term "credits" means those solvent debts,
secured by mortgage or trust deed, owing to the per-
, firm, corporation, or association assessed. The term
ebt" means those unsecured liabilities owing by the
son, firm, corporation, or association, assessed to *bona*
residents of this state, or firms, associations, or cor-
ations doing business therein; but credits, claims,
ts, and demands due, owing, or accruing for or on
ount of money deposited with savings and loan corpo-
ons, shall, for the purpose of taxation, be deemed and
ted as an interest in the property of such corporation,
, shall not be assessed to the creditor or owner thereof.
n effect March 28, 1895.]

Taxation of claims accruing on account of money deposited with savings and loan corporations. 97 Cal. 220, 221, 222, 223.

Taxation, term "real estate" construed: 104 Cal. 622.

3628 The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this state shall be assessed by the state board of equalization, as hereinafter provided for. Other franchises, if granted by the authorities of a county, city, or city and county, must be assessed in the county, city, or city and county within which they were granted; if granted by any other authority, they must be assessed in the county in which the corporations, firms, or persons owning or holding them have their principal place of business. All other taxable property shall be assessed in the county, city, or city and county, town, township, or district in which it is situated. Land shall be assessed in parcels or subdivisions not exceeding six hundred and forty

acres each; and tracts of land containing more than six hundred and forty acres, which have been sectionized by the United States government, shall be assessed by sections or fractions of sections. Lands sold by the state for which no patent has been issued, shall be assessed the same as other lands, but the owner shall be entitled to a deduction from such assessed valuation in the amount due the state as principal upon the purchase price. The assessor must, between the first Mondays in March and July of each year, ascertain the names of all taxable inhabitants, and all the property in his county subject to taxation, except such as is required to be assessed by the state board of equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian, of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment thereof invalid. In assessing solvent credits, not secured by mortgage or trust deed, a reduction therefrom shall be made of debts due to *bona fide* residents of this state. [In effect March 28, 1895.]

Taxation, place of assessment of franchise of water company: 99 Cal. 38.

Assessment, mistake in name of owner or supposed owner of real property: 99 Cal. 675.

3629. Assessment, statement required of property owner: 97 Cal. 220, 221.

3630. The board of supervisors must furnish the assessor with blank forms, as prescribed by the state board of equalization, of the statements provided for in the preceding sections, affixing thereto an affidavit, which must be substantially as follows:

—— ——, do swear that I am a resident of the of (naming it); that the above list contains a full rrect statement of all property subject to taxation I, or any firm of which I am a member, or any cor- ion, association, or company of wh ch I am president, er, secretary, or managing agent, owned, claimed, ssed, or controlled, at twelve o'clock m., on the first day in March last, and which is not already assessed year; and that I have not, in any manner whatsoever, sferred or disposed of any property, or placed any erty out of said county or my possession for the pur- of avoiding any assessment upon the same, or of ing this statement; and that the debts therein stated ving by me are owing to *bona fide* residents of this e, or to firms or corporations doing business in this ate."

The affidavit to the statement on behalf of a firm or cor- oration must state the principal place of business of the irm or corporation, and in other respects must conform substantially to the preceding form. [In effect March 28, 895.]

3640. The assessor or his deputies must, before the first Monday in June of each year, in each of the counties and cities and counties, visit each house and place of busi- ness in their districts, and enroll in a field enrollment book, in such form as may be required by the state board of equalization, all male persons residing in said county over eighteen years of age and under sixty years of age on the first Monday in March of that year. On such field-enrollment book shall be stated whether the person enrolled is liable to a state poll tax, a road poll tax, or mili- tary duty; give the number of the poll tax receipt, and the amount paid, if poll taxes are collected; where his residence is, postoffice address, giving street and number,

if any; occupation, by whom employed; whether the owner of real estate; the state or country of nativity, whether naturalized or not, and any reason that may be given why poll tax was not paid. From such field enrollment lists the military roll, as required by section one thousand eight hundred and ninety-seven, and the roll of poll tax payers, required by section three thousand eight hundred and fifty-seven, shall be made. Personal property unsecured by real estate must be assessed and taxes collected at the time of enrollment of persons for poll taxes; receipt must be issued for personal property tax from a stub-book, having the stubs numbered the same as the receipt, such stub-books shall have a line for the name of the person assessed, the amount of the assessment, the rate collected, and lines for the items assessed for collection, the total amount, the date of collection, and the name of the deputy making the collection. Such blank personal tax receipt books shall be furnished for such purpose by the auditor, and all unused receipts must be turned in by the assessor with his settlement for personal property taxes on the first Monday in August of each year. The assessor or his deputies shall also note on the assessment statement, against each tract of land or lot assessed, the condition of surface of each tract, using the words level, rolling, broken, hilly, or rocky; also, the quality of soil, using the words fruit, grain, pasture, timber, or rocks; also, whether it is wet, dry, semi-moist, or has water rights; also, the kind and value of improvements located on each tract or lot. [In effect March 28, 1895.]

3650 The assessor must prepare an assessment book, with appropriate headings as directed by the state board of equalization, in which must be listed all property within the county, under the appropriate head.

...he name of the person to whom the property is as-

...and, by township, range, section, or fractional sec-
...nd when such land is not a congressional division
...division, by metes and bounds, or other description
...ent to identify it, giving an estimate of the number
...es, not exceeding in each and every tract six hun-
...and forty acres, locality, and the improvements
...n. When any tract of land is situated in two or
...school, road, or other revenue districts of the county,
...art in each township or district must be separately
...ed. The improvements to be assessed against the
...ular section, tract, or lot of land upon which they
...cated.

City and town lots, naming the city or town, and
...umber of the lot and block, according to the system
...umbering in such city or town, and the improvements
...reon.

4. All personal property, showing the number, kind,
...mount, and quality; but a failure to enumerate in detail
...ch personal property does not invalidate the assess-
...ent.

5. The cash value of real estate, other than city or
...wn lots.

6. The cash value of improvements on such real estate.

7. The cash value of city and town lots.

8. The cash value of improvements on city and town
...ts.

9. The cash value of improvements on real estate as-
...sed to persons other than the owners of the real estate.

10 The cash value of all personal property, exclusive
of money.

11. The amount of money.

12. The assessment of the franchise, roadway, road-

beds, rails, and rolling stock of any railroad, as apportioned to his county by the state board of equalization, and also such other apportionments of such franchises, roadways, roadbeds, rails, and rolling stock as may be made by such board, and furnished to him for the purpose of taxation in any district in his county. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment-book. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

13. The school, road, and other revenue districts in which each piece of property assessed is situated.

14. The total value of all property.

15. When any property, except that owned by a railroad or other quasi-public corporation, is subject to or affected by a mortgage, deed of trust, contract, or other obligation by which a debt is secured, he must enter, in the proper column, the value of such security, and deduct the same. In entering assessments containing solvent credits subject to deductions, as provided in section three thousand six hundred and twenty-eight of this code, he must enter in the proper column the value of the debts entitled to exemption and deduct the same. In making the deductions from the total value of property assessed, as above directed, he must enter the remainder in the column provided for the total value of all property for taxation. Each franchise must be entered in the assessment-book without combining the same with other property or the valuation thereof.

figure one (1), in separate columns, opposite the every person liable to pay a poll tax.

ach other things as the state board of equalization equire. [In effect March 28, 1895.]

1. The assessor must prepare an index to the ment-book, which must show the name of the tax- each page whereon his assessment appears, the post- address, or the postoffice address of his agent, ary, or managing agent, when known. The state of equalization shall prescribe the form of such in- [In effect March 28, 1895.]

53. 1. On or before the third Monday in July of each the assessor must furnish such incorporated cities and as within the county as shall make written request for name, on or before the first Monday in March of each ar, a complete certified copy of his assessment-book, so r as such assessment-book pertains to property within e limits of said incorporated cities and towns.

2. The assessor may charge incorporated cities and wns five cents per folio of one hundred words for each py of his assessment-book furnished such incorporated ities and towns.

3. The assessor must, on the first Monday of each month, rnish all such incorporated cities and towns within the unty as shall make written request for the same, a de- scription of all personal property, the name and address, by street and number, of the owners, and assessed value thereof, whenever the tax on such property is collected by the assessor.

4. The assessor may charge incorporated cities and towns five cents per folio of one hundred words for such description of personal property. [In effect March 28, 1895.]

3654. As soon as completed, the assessment-book, together with the map-books, statements, and military roll, must be delivered to the clerk of the board of supervisors, who must immediately give notice thereof, and of the time the board will meet to equalize assessments, by publication in a newspaper, if any is printed in the county; if none, then in such manner as the board may direct. In the mean time, the assessment-book, map-book, and statements must remain in his office for the inspection of all persons interested. After the board of equalization has completed its labors, the map-books and statements shall be returned to the county assessor's office, and shall be kept in said office for future reference. [In effect March 28, 1895.]

3655. On the second Monday in July of each year, the assessor of each county must transmit to the state board of equalization, in such form as said board shall require, a statement showing.

1. The several kinds of personal property.
2. The average and total value of each kind.
3. The number of livestock, number of bushels of grain, number of gallons of wines or liquors, number of pounds or tons of any article sold by the pound or ton.
4. When practicable, the separate value of each class of land, specifying the classes and the number of acres of each.
5. A true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as said board shall require. [In effect March 28, 1895.]

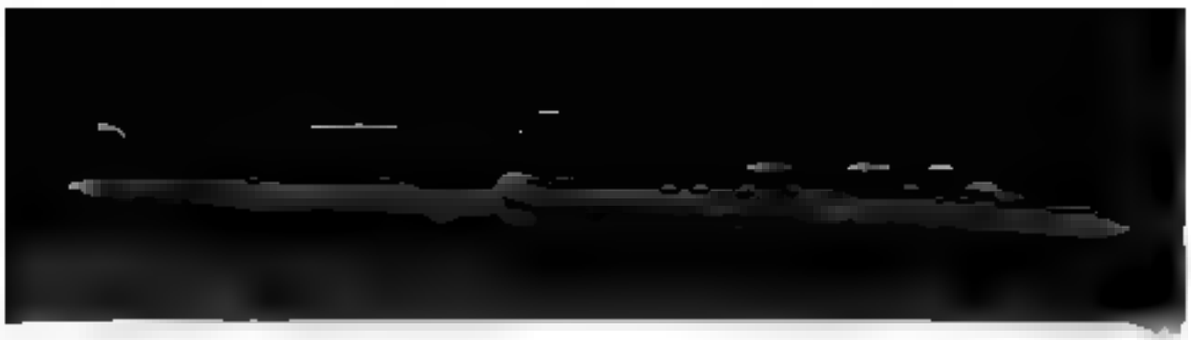
3656. Every assessor who fails to complete his assessment-book, or who fails to transmit the statement mentioned in the preceding section to the state board of equalization, forfeits the sum of one thousand dollars, to

be recovered on his official bond, for the use of the county, in an action brought in the name of the people by the attorney general when directed to do so by the state board of equalization. [In effect March 28, 1895.]

3657. Taxation, assessment of property in whose name: 99 Cal. 675.

3658. The board of supervisors of each county must provide map and plat books for the use of the assessor, showing the private lands owned or claimed in the county, and if surveyed under the authority of the United States, the divisions and subdivisions of the survey; if held under Spanish grant, the exterior boundaries of such grants, the divisions and subdivisions and number of acres claimed. Maps of cities and villages and school districts must in like manner be provided. The state board of equalization shall prescribe the forms for such map and plat books, and may require such map and plat books to be indexed to show owners' names, give correct description for assessment, show improvements, and assessed value. The cost of making such map and plat books is a county charge, and must be paid from the county general fund. [In effect March 28, 1895.]

3661. Any taxpayer who shall have knowledge of any property that has escaped taxation as provided in the preceding section, may file with the board of supervisors an affidavit, setting forth the fact that such property has, through the willful failure or neglect of the assessor, escaped taxation, together with a description of the property as near as such taxpayer may be able to give; whereupon said board shall direct the district attorney to commence an action on the assessor's bond for the amount of taxes lost from such willful failure or neglect. [In effect March 28, 1895.]



3662. On the trial of such action, the value of the property unassessed being shown, judgment for the amount of taxes that should have been collected thereon must be entered. The amount thus recovered shall be distributed as provided in section three thousand eight hundred and sixteen of this code. [In effect March 28, 1895.]

3663. Water ditches constructed for mining, manufacturing, or irrigating purposes, and wagon and turnpike toll roads, must be assessed the same as real estate by the assessor of the county, at a rate per mile for that portion of such property as lies within his county. All telegraph and telephone lines shall be described in the same manner as real estate is described, but assessed as personal property by the assessor of the county, at a rate per mile for that portion of such property as lies within his county. [In effect March 28, 1895.]

3666. The state board of equalization must prepare each year a book, to be called "Record of Assessments of Railways," in which must be entered each assessment made by the board, either in writing or by both writing and printing. Each assessment so entered must be signed by the chairman and clerk. The record of the apportionment of the assessments made by the board to the counties, and cities and counties, must be made in a separate book, to be called "Record of Apportionment of Railway Assessments." In such last-described book must be entered the names of the railways assessed by the board, the names of the corporations to which, or the name of the person or association to whom was assessed each railway in the state, the number of miles thereof in each county, or city and county, the total assessment of the franchise, roadway, roadbed, rails, and rolling stock, for purposes of state taxation, and the amount of the apportionment of such total assessment to each county, and city and county, for

county, or city and county taxation. Before the third Monday in September of each year, the clerk of the state board of equalization must prepare and transmit to the controller of state duplicates of the "Record of Assessment of Railways" and "Record of Apportionment of Railway Assessments," each certified by the chairman and clerk of the board, and to be known, respectively, as "Duplicate Record of Assessment of Railways," and "Duplicate Record of Apportionment of Railway Assessments." In the last-named duplicate all necessary appropriate columns must be added, in which the controller must enter the amount of taxes in installments due the state upon the whole assessment, by each corporation, person, or association, and the amount of taxes, in installments, due each county, or city and county, upon the assessment apportioned to each county, or city and county, by each corporation, person, or association.

The two duplicates constitute the warrant for the controller to collect the state and county, and city and county taxes levied upon such property assessed by the board, and the amount of the apportionment of the assessment to each county and city and county, respectively. [In effect March 28, 1895.]

3667. When the board of supervisors of each county, and city and county, to which the state board of equalization has apportioned the assessment of railways, shall have fixed the rate of county, or city and county, taxation, the clerk of the board of supervisors must, within three days after such rate has been fixed, transmit by mail, postage paid, to the controller, in such form as the controller shall direct, a statement of the rate of taxation levied by the board of supervisors for county, or city and county, taxation. If the clerk fails to transmit such statement in the time herein provided for, he shall be

3662. On the trial of such action, the value of the property unassessed being shown, judgment for the amount of taxes that should have been collected thereon must be entered. The amount thus recovered shall be distributed as provided in section three thousand eight hundred and sixteen of this code. [In effect March 28, 1895.]

3663 Water ditches constructed for mining, manufacturing, or irrigating purposes, and wagon and turnpike toll roads, must be assessed the same as real estate by the assessor of the county, at a rate per mile for that portion of such property as lies within his county. All telegraph and telephone lines shall be described in the same manner as real estate is described, but assessed as personal property by the assessor of the county, at a rate per mile for that portion of such property as lies within his county. [In effect March 28, 1895.]

3666. The state board of equalization must prepare each year a book, to be called "Record of Assessments of Railways," in which must be entered each assessment made by the board, either in writing or by both writing and printing. Each assessment so entered must be signed by the chairman and clerk. The record of the apportionment of the assessments made by the board to the counties, and cities and counties, must be made in a separate book, to be called "Record of Apportionment of Railway Assessments." In such last-described book must be entered the names of the railways assessed by the board, the names of the corporations to which, or the name of the person or association to whom was assessed each railway in the state, the number of miles thereof in each county, or city and county, the total assessment of the franchise, roadway, roadbed, rails, and rolling stock, for purposes of state taxation, and the amount of the apportionment of such total assessment to each county, and city and county, for

ty, or city and county taxation. Before the third day in September of each year, the clerk of the state rd of equalization must prepare and transmit to the troller of state duplicates of the "Record of Assess- t of Railways" and "Record of Apportionment of lway Assessments," each certified by the chairman and k of the board, and to be known, respectively, as uplicate Record of Assessment of Railways," and uplicate Record of Apportionment of Railway Assess- nts." In the last-named duplicate all necessary appro- ate columns must be added, in which the controller st enter the amount of taxes in installments due the te upon the whole assessment, by each corporation, son, or association, and the amount of taxes, in install- nts, due each county, or city and county, upon the ssment apportioned to each county, or city and county, each corporation, person, or association.

The two duplicates constitute the warrant for the con- troller to collect the state and county, and city and county taxes levied upon such property assessed by the board, and the amount of the apportionment of the assessment to each county and city and county, respectively. [In effect March 28, 1895.]

3667. When the board of supervisors of each county, and city and county, to which the state board of equaliza- tion has apportioned the assessment of railways, shall have fixed the rate of county, or city and county, taxa- tion, the clerk of the board of supervisors must, within three days after such rate has been fixed, transmit by mail, postage paid, to the controller, in such form as the controller shall direct, a statement of the rate of taxation levied by the board of supervisors for county, or city and county, taxation. If the clerk fails to transmit such statement in the time herein provided for, he shall forfeit

equalization all information relating thereto on or before June first of said year; and it shall be the duty of the said board to attach an apportionment of valuation of such instrument to be assessed in each county, and the board shall transmit to the assessor of each county mentioned as affected in said instrument, a statement of valuation of assessment to be levied against said instrument in each county. The valuation so set by said board shall be final, and the assessor shall accept said valuation and charge said assessment upon said instrument accordingly. Should the list contain any instrument mortgaging or pledging two or more subdivisions of land, or land assessed in two or more subdivisions in the same county, township, district, or city, the assessor shall apportion the amount of assessment to be deducted from each subdivision on account of assessment against said instrument. Any assessment on a mortgage, or deed of trust, which has been erroneously taxed to the mortgagee, or party loaning the money, when the same has been paid or satisfied prior to the first Monday in March, shall be valid only as against the real estate from the assessment on which a reduction has been previously made. When partial payments have been made on a debt, secured by mortgage, or deed of trust, the owner is authorized to make the proper deduction, listing only the balance due on the first Monday in March. The recorder must, at the time he furnishes the abstract of mortgages to the assessor, furnish said officer with a complete and true statement of all property which has been redeemed under or by virtue of any sale made to the state for delinquent taxes, together with a complete and true statement of all property sold to the state and remaining unredeemed. When necessary, the board of supervisors of each county must provide for the payment of such additional clerical

nount of the judgment in the same, must be made state treasurer. In such actions the "Duplicate rd of Assessments of Railways," and the "Duplicate ord of Apportionment of Railway Assessments," or a y of them, certified by the controller, showing unpaid es against any corporation, person, or association for perty assessed by the state board of equalization, is ma *facie* evidence of the assessment, the property ssed, the delinquency, the amount of the taxes due l unpaid to the state, and counties, or cities and coun- therein named, and that the corporation, person, or ociation is indebted to the people of the state of Cali- nia in the amount of taxes, state and county, and city l county, therein appearing unpaid, and that all the ns of law in relation to the assessment and levy of h taxes have been complied with. [In effect March 28, 5.]

3673. Taxation, increase of assessment by county board of equalization. 104 Cal. 164.

3678. To assist the assessor in the performance of his duties, the recorder must annually transmit to the assessor, on or before the first Monday in April of each year, a complete abstract of all mortgages, deeds of trust, contracts, and other obligations by which any debt is secured, remaining unsatisfied on the records of his office, not barred by the statute of limitation, at twelve o'clock meridian, on the first Monday of March of said year. Such abstract shall be written under appropriate headings, to embrace all information requisite for the assessor, in a book or books to be furnished by the board of supervisors upon the requisition of the assessor. Should any such list be found to contain any instrument relating to lands situated *in more than* one county, it shall be the *duty of the assessor to* transmit to the state board of

first Monday in March, at twelve o'clock M., and to apportion such assessment to the counties and cities and counties in which such railroads are located, in proportion to the number of miles of railway laid in such counties and cities and counties in the manner provided for in section three thousand six hundred and sixty-four of said code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of such counties.

7. To transmit to the assessor of each county, or city and county, its apportionment of the assessments made by said board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said code.

8. To meet at the state capitol on the first Monday in August, and remain in session from day to day, Sundays excepted, until the second Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this state for the purposes of taxation; and to the end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment-roll so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value in money of the property assessed, and to fix the rate of state taxation, and to do the things provided in section three thou-

sand six hundred and ninety-three of said code; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value.

10. To visit as a board, or by the individual members thereof, whenever deemed necessary, the several counties of the state, for the purpose of inspecting the property and learning the value thereof.

11. To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12. To issue subpœnas for the attendance of witnesses, or the production of books before the board, or any member thereof; which subpœnas must be signed by a member of the board, and may be served by any person.

13. To appoint a clerk, prescribe and enforce his duties. The clerk shall hold his office during the pleasure of the board.

14. To report to the governor, annually, a statement, showing:

First—The acreage of each county in the state that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all town and city lots.

Fourth—The aggregate value of all real estate in the state.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the state.

Seventh—Any information relative to the assessment of property, and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

first Monday in March, at twelve o'clock M., and to apportion such assessment to the counties and cities and counties in which such railroads are located, in proportion to the number of miles of railway laid in such counties and cities and counties in the manner provided for in section three thousand six hundred and sixty-four of said code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of such counties.

7. To transmit to the assessor of each county, or city and county, its apportionment of the assessments made by said board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said code.

8. To meet at the state capitol on the first Monday in August, and remain in session from day to day, Sundays excepted, until the second Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this state for the purposes of taxation; and to the end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment-roll so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value in money of the property assessed, and to fix the rate of state taxation, and to do the things provided in section three thou-

such treasurer to pay the amount out of any funds belonging to such county. [In effect March 28, 1895.]

Taxation, compensation of deputy assessors, and power of board of equalization to make allowance for: 102 Cal. 447.

3705. The state board of equalization may, by an order entered upon its minutes, and certified to the county auditor of any county, extend, for not exceeding twenty days, the time fixed in this title for the performance of any act, by the county assessor, county auditor, or county boards of equalization. [In effect March 28, 1895.]

3713. The state board of equalization must, for state purposes for the forty-seventh and forty-eighth fiscal years, fix such an *ad valorem* rate of taxation upon each one hundred dollars in value of taxable property in this state, as after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the forty-seventh fiscal year:

First—For the general fund, four million nine hundred and thirteen thousand and one hundred and six dollars.

Second—For the school fund, two million one hundred and ninety-five thousand four hundred and fifty-nine dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the forty-eighth fiscal year:

First—For the general fund, two million six hundred and eighty-one thousand three hundred and seventy-one dollars.

Second—For the school fund, two million one hundred

15. To keep a record of all its proceedings. [In effect March 28, 1895.]

3693. When, after a general investigation by the board, the property is found to be assessed above or below its full cash value, the board may, without notice, so determine, and must add to or deduct from the valuation:

1. The real estate.

2. Improvements upon such real estate.

3. The personal property, such per centum, respectively, as is sufficient to raise or reduce it to its full cash value; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. [In effect March 28, 1895.]

3694. Every county auditor who fails to forward to the state board of equalization, and to the controller, the statement provided for in section three thousand seven hundred and twenty-eight, forfeits to the state one thousand dollars, to be recovered in an action brought by the attorney general, in the name of the state board of equalization. [In effect March 28, 1895.]

3704. If the board of supervisors of any county fails or refuses either

1. To furnish the assessor with the proper books, maps, map-books, or blanks for his use; or,

2. To furnish the assessor necessary office room,

Then the state board of equalization must, upon the application of the assessor, furnish the necessary books, maps, map-books, blanks, or office room; and all the expense incurred in carrying into effect the provisions of this section must, by the secretary of the board, be certified to the controller, who must, in his next settlement with the county treasurer, of any such county, require

such treasurer to pay the amount out of any funds belonging to such county. [In effect March 28, 1895.]

Taxation, compensation of deputy assessors, and power of board of equalization to make allowance for: 102 Cal. 447.

3705. The state board of equalization may, by an order entered upon its minutes, and certified to the county auditor of any county, extend, for not exceeding twenty days, the time fixed in this title for the performance of any act, by the county assessor, county auditor, or county boards of equalization. [In effect March 28, 1895.]

3713. The state board of equalization must, for state purposes for the forty-seventh and forty-eighth fiscal years, fix such an *ad valorem* rate of taxation upon each one hundred dollars in value of taxable property in this state, as after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the forty-seventh fiscal year:

First—For the general fund, four million nine hundred and thirteen thousand and one hundred and six dollars.

Second—For the school fund, two million one hundred and ninety-five thousand four hundred and fifty-nine dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the forty-eighth fiscal year:

First—For the general fund, two million six hundred and eighty-one thousand three hundred and seventy-one dollars.

Second—For the school fund, two million one hun[redacted]

and ninety-five thousand four hundred and fifty-nine dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars. [Approved March 26, 1895.]

3714. The board of supervisors of each county must, on the third Monday in September, fix the rate of county taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and must levy the state and county taxes upon the taxable property of the county; *provided*, that it shall not be lawful for any board of supervisors of any county in the state to levy, nor shall any tax greater than fifty cents on each one hundred dollars of property be levied and collected in any one year, to pay the bonded indebtedness, or judgment arising therefrom, of this state, or of any county or municipality in this state. [In effect March 28, 1895.]

3719. The state board of equalization must levy, annually, at the time other state taxes are levied, a tax of such number of cents on each one hundred dollars of value of taxable property in the state as will produce a net sum equal to the amount directed by the legislature as being necessary to be raised, by an *ad valorem* tax, for school purposes; and the assessment and collection of said tax shall be performed in the same manner and at the same time as other state taxes are assessed and collected. [In effect March 28, 1895.]

County school tax must be levied at a uniform rate upon all taxable property in county: 97 Cal. 436.

3728. The auditor must, on or before the second Monday in August in each year, prepare from the "assessment-book" of such year, as corrected by the board of

supervisors, duplicate statements, showing in separate columns—

1. The number of acres of land.
2. The total value of all property.
3. The value of real estate.
4. The value of the improvements thereon.
5. The value of personal property, exclusive of money.
6. The amount of money.
7. The assessed value of mortgages.
8. The assessed value of all property sold to the state for taxes. [In effect March 28, 1895.]

3730. As soon as the auditor receives from the state board of equalization a statement of the changes made by the board in the assessment-book of the county, he must make the corresponding changes in the assessment-book, by entering the same in a column provided with a proper heading in the assessment-book, counting any fractional sum when more than fifty cents as one dollar, and omitting it when less than fifty cents, so that the value of any separate assessment shall contain no fraction of a dollar; but he shall, in all cases, disregard any action of the board of supervisors which is prohibited by section three thousand six hundred and thirty-three of this code. [In effect March 28, 1895.]

3731 The auditor must then compute, and enter in a separate money column in the assessment-book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and segregate and place in the proper columns of the book the respective amounts due in installments, as provided in section three thousand seven hundred and forty-six of this code, and foot up the column, showing the total amount of such taxes, and the columns of total value of property in the county, as corrected under

the direction of the state board of equalization. [In effect March 28, 1895.]

3732. On or before the first Monday in October, he must deliver the corrected assessment-book to the tax collector, with an affidavit attached thereto, and by him subscribed, as follows

"I, ——, Auditor of the county of ——, do swear that I received the assessment-book of the taxable property from the clerk of the board of supervisors, with h s affidavit thereto affixed, and that I have corrected it and made it to conform to the requirements of the state board of equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage, as required by law." [In effect March 28, 1895.]

3733. Section three thousand seven hundred and thirty-three is hereby repealed. [In effect March 28, 1895.]

3734. On delivering the assessment-book to the tax collector, the auditor must charge the tax-collector with the full amount of the taxes levied, except the taxes due upon railway assessments made by the state board of equalization, and forthwith transmit by mail to the controller of state a statement of the amount so charged. [In effect March 28, 1895.]

3736. The auditor, if the assessment book or the delinquent tax list is transferred from one collector to another, must credit the one and charge the other with the amount then outstanding on the tax list. [In effect March 28, 1895.]

3737 Section three thousand seven hundred and thirty-seven is hereby repealed. [In effect March 28, 1895.]

3738. On or before the first Monday in March of each , the auditor shall furnish the assessor with blank sonal property" receipts in book form, with stubs bed, numbered the same as the receipts, each book g fifty receipts, in a form prescribed in section three and six hundred and forty, and charge the assessor the number of receipts issued. On the first Monday gust, the assessor shall return all unused receipts, the auditor shall credit him with the numbers re- ed. [In effect March 28, 1895.]

3746. Within ten days after the receipt of the assess- ent-book, the tax-collector must publish a notice speci- ying:

1. That the taxes on all personal property secured by al property, and one-half of the taxes on all real property, ill be due and payable on the first Monday in October, nd will be delinquent on the last Monday in November ext thereafter, at six o'clock P. M., and that unless paid rior thereto, fifteen per cent will be added to the amount hereof, and that if said one-half be not paid before the ast Monday in April next, at six o'clock P. M., an addi- onal five per cent will be added thereto. That the re- maining one-half of the taxes on all real property will be ayable on and after the first Monday in January next, and will be delinquent on the last Monday in April next thereafter, at six o'clock P. M., and that unless paid prior thereto, five per cent will be added to the amount thereof.

2. That all taxes may be paid at the time the first in- stallment, as herein provided, is due and payable

3. The times and places at which payment of taxes may be made [In effect March 28, 1895.]

3747. The taxes on any particular lot, piece, or parcel of land contained in any assessment may be paid sepa-

rately from the whole assessment, by paying the amount of state and county taxes due on such lot, piece, or parcel of land, with a proper proportion of the amounts due as tax on personal property, penalties, if any, and a proper proportion of the tax due to any school, road, or other lesser taxation. The tax-collector shall make an entry on the margin of the assessment-book, showing what certain property has been released by the payment of the taxes as herein provided, together with the amounts of such taxes separately and specifically set forth. [In effect March 28, 1895.]

3748. All taxes must be paid at the office of the tax-collector, unless the board of supervisors by order, made on or before the first Monday in October, direct that the taxes must be collected in the several townships of the county, or in either thereof, or in any municipal corporation in said county, in which case the notice by the tax-collector must specify a time and place within any township or municipal corporation named in such order, when and where the tax-collector will attend to receive the payment of taxes. [In effect March 28, 1895.]

3752. The superior court must require every administrator or executor to pay out of the funds of the estate all taxes due from such estate; and no order or decree for the distribution of any property of any decedent among the heirs or devisees must be made until all taxes against the estate are paid. In the same manner, the court must require the assignee to pay out of the funds of an insolvent's estate all taxes due from such estate; and no final discharge to such assignee shall be granted until all taxes against the insolvent's estate are paid. [In effect March 28, 1895.]

3756. On the last Monday in November of each year,

o'clock P. M., all taxes then unpaid, except the last
llment of the real property taxes, are delinquent, and
after the tax collector must collect, for the use of the
y, or city and county, an addition of fifteen per cent
on; *provided*, that if they be not paid before the last
day in April next succeeding, at six o'clock P M., he
collect an addition of five per cent thereon. On the
Monday in April of each year, at six o'clock P M., all
unpaid portion of the remaining one-half of the taxes
l real property are delinquent, and thereafter the tax-
ctor must collect, for the use of the county, or city
county, an addition of five per cent thereon; *provided*,
the entire tax on any real property may be paid at
ime the first installment, as above provided, is due
payable; *and provided further*, that the taxes on all
rsonal property unsecured by real property, shall be
ue and payable immediately after the assessment of said
ersonal property is made. [In effect March 28, 1895.]

3758. On the second Monday in December of each year, in each of the counties and cities and counties of this state, the tax-collector must attend at the office of the auditor with the assessment-book, having all items of taxes collected marked "paid." The auditor shall thereupon compute and enter against all the items of taxes due and unpaid the penalty for delinquency, foot up the total amount of penalties then due, and must, within ten days thereafter, deliver to said tax-collector the assessment-book and charge him with the amount of said penalties. After April thirtieth, and on or before the second Monday in May of each year, the tax-collector must notify all persons, or their agents, by mail when postoffice address can be ascertained, that their taxes have become delinquent, the amount of said taxes, and that the same will be sold

unless paid prior to the third day of July of that year. [In effect March 28, 1895.]

3759. On the third Monday in May of each year, in each of the counties and cities and counties of this state, the tax-collector must attend at the office of the auditor with the assessment-book, having all items of taxes and penalties collected marked "paid," and at the same time he shall deliver to the auditor a complete delinquent list of all persons and property then owing taxes. [In effect March 28, 1895.]

3762. After settlement with the tax-collector, as prescribed in the preceding section, the auditor must charge the tax-collector then acting with the amount of taxes due on the delinquent tax list, with the penalty or penalties added thereto, and within three days thereafter deliver the list, duly certified, to such tax-collector. [In effect March 28, 1895.]

3763. Time of sale of property delinquent for taxes 97 Cal. 447.

3764. On or before the fifth day in June of each year the tax-collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes, penalties, and costs due, opposite each name and description, with the taxes due on personal property, the delinquent state, poll, road, and hospital tax, the taxes due each school, road, or other lesser taxation district, added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication to be a charge against the county, or city and county. [In effect March 28, 1895.]

Taxation, publication of delinquent tax list. 97 Cal. 284, 447.

3765. The tax-collector must append and publish with the delinquent list a notice that unless the taxes delinquent, together with the costs and penalties,* are paid, the real property upon which such taxes are a lien will be sold. [In effect March 28, 1895.]

Time of publication of delinquent tax list: 97 Cal. 447.

3766. The publication must be made once a week for three successive weeks, in some newspaper, or supplement thereto, published in the county, and the board of supervisors must contract for such publication with the lowest bidder, and after ten days' public notice, that such will be let. The bidding must be by sealed proposals. If there is no newspaper published in the county, then by posting a copy of the list in three public places in each township. [In effect March 28, 1895.]

Advertising proposals for publication of delinquent tax list 97 Cal. 284, 285.

3767. The publication must designate the day and hour when the property will, by operation of law, be sold to the state, which sale must not be less than twenty-one nor more than twenty-eight days from the time of the first publication, and the place shall be in the tax-collector's office. [In effect March 28, 1895.]

3768. Section three thousand seven hundred and sixty-eight is hereby repealed. [In effect March 28, 1895.]

3769. Tax sale, validity of tax deed. 97 Cal. 447.

3770. The tax-collector must collect, in addition to the taxes due on the delinquent list, together with the penalties for delinquency, fifty cents on each lot, piece,

*Amended February 28, 1895, reading "percentage" instead of "penalties."

or tract of land separately assessed, and on each assessment of personal property, which shall be paid to the county and be placed to the credit of the salary fund. [In effect March 28, 1895.]

Collection of delinquent taxes and compensation therefor: 97 Cal. 601, 602, 603.

Percentage on delinquent tax is not a penalty or forfeiture. 99 Cal. 595, 596.

3771. On the day and hour fixed for the sale all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the tax-collector, be sold to the state, and said tax-collector shall make an entry, "Sold to the state," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement, made pursuant to sections three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due; *and provided further*, that when the original tax amounts to the sum of three hundred dollars or more upon any piece of property or assessment delinquent, the state may bring suit against the owner of said property for the collection of said tax, or taxes, penalties, and costs, as provided in section three thousand eight hundred and ninety-nine. [In effect March 28, 1895.]

3772. Immediately upon completion of the sale provided for in the preceding section, the tax-collector must, by mail or express, transmit to the controller a statement or report in such form as the controller may desire, showing in detail each sale wherein the state became such purchaser. [In effect March 28, 1895.]

Time of sale of property delinquent for taxes, when to commence and end: 97 Cal. 447.

3773. Section three thousand seven hundred and seventy-three is hereby repealed. [February 25, 1895, and in effect March 28, 1895.]

On the day of sale the owner or person in possession of any real estate offered for sale for taxes due thereon, may pay the taxes and costs due; but in case such taxes and costs are not paid by the owner or person in possession, or by some one on behalf of such owner or person in possession, the whole amount of the property assessed shall be struck off to the people of the state as the purchaser *provided*, that when the said taxes amount to the sum of three hundred dollars, or more, upon any piece of property, the state may bring suit against the owner of said property for the collection of said taxes and costs, as provided in section three thousand eight hundred and ninety nine of this code. In each case the tax collector shall make an entry, "sold to the state," on the delinquent assessment book opposite the tax, and he shall be credited with the amount thereof in his settlement made pursuant to sections thirty seven hundred and ninety-seven, thirty-seven hundred and ninety-eight, and thirty-seven hundred and ninety-nine of this code. [In effect February 25, 1895.]

Property taxes become a lien upon the property taxed. 99 Cal. 80.

3774. Section three thousand seven hundred and seventy-four is hereby repealed. [February 25, 1895, and in effect March 28, 1895.]

Resale of property for taxes and costs: 99 Cal. 81.

3775. Section three thousand seven hundred and seventy-five is hereby repealed. [February 25, 1895, and in effect March 28, 1895.]

3776. Was repealed in act of February 25, 1895, and subsequently amended.

Section 3776. The tax-collector must make out a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of the sale, stating (when known) the name of the person assessed, a description of the land sold, *that it was sold for delinquent* taxes to the state, and giv-

ing the amount and year of the assessment, and specifying when the state will be entitled to a deed. [In effect March 28, 1895.]

Tax sale, duty of collector to make out certificate in duplicate. 99 Cal. 81.

Sale for delinquent assessment, recitals in deed: 102 Cal. 518.

Tax sale, evidence of official act of officer in making sale. 102 Cal. 518.

3777. Was repealed in act of February 25, 1895, and subsequently amended.

Section 3777. Such certificate must be signed by the tax-collector, regularly numbered in a book, and the book must be filed in the office of the county recorder, and when so filed with the recorder's filing on each certificate in said book, it must be regarded as recorded in the recorder's office. The state controller shall prescribe the form of such certificate of sale and record book. The recorder must index such certificates of sale in an index-book, kept for that purpose, the form of which shall be prescribed by the state controller. In case of a redemption or a subsequent sale of any of said property by the state, the recorder must enter on the margin of the certificate, describing such property in said certificate-book of record in his office, the fact of such redemption or sale, giving the date thereof, and by whom redeemed. [In effect March 28, 1895.]

3778. Section three thousand seven hundred and seventy-eight is hereby repealed. [In effect March 28, 1895.]

The collector must, in a book provided for that purpose, enter a description of the land sold, corresponding to the description in the original assessment-roll, the date of sale, that it was sold to the state, the amount for which

it was sold, and must regularly number the descriptions on the margin of the book. Such book must be open to public inspection, without fee, during office hours, when not in actual use. [In effect February 25, 1895.]

3779. Section three thousand seven hundred and seventy-nine is hereby repealed. [February 25, 1895, and in effect March 28, 1895.]

3780. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of the sale to the state, or at any time prior to the entry or sale of said land, by the state, in the manner provided by section three thousand eight hundred and seventeen.' [In effect March 28, 1895.]

A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of the purchase by the state, or at any time prior to the entry or sale of said land in the manner applicable to other state lands of like character. [In effect February 25, 1895.]

Tax sale, time and notice of redemption: 104 Cal. 620.

3781. Redemption must be made to the county treasurer on an estimate furnished by the auditor, in lawful money of the United States, and the treasurer must account to the state for all moneys received under such redemption, which said moneys shall be distributed in the manner provided by section three thousand eight hundred and sixteen. [In effect March 28, 1895.]

Amendment of February 28, 1895, was same as above, except the words "on an estimate furnished by the auditor."

782. Section thirty-seven hundred and eighty-two of the Political Code of the state of California is hereby repealed. [In effect February 25, 1895.]

'83. Section thirty-seven hundred and eighty-three of the Political Code of the state of California is hereby repealed. [In effect February 25, 1895.]

3784. Section thirty-seven hundred and eighty-four of the Political Code of the state of California is hereby repealed. [In effect February 25, 1895.]

3785. If the property is not redeemed within the time allowed by law for its redemption the tax-collector, or his successor in office, must make the state a deed of the property, reciting in such deed the name of the person assessed (when known), the date of sale, a description of the land sold, the amount for which it was sold, that it was sold for *delinquent* taxes, giving the assessed value and the year of assessment, the time when the right of redemption had expired, and that no person has redeemed the property in the time allowed by law for its redemption. No charge shall be made by the tax-collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge. All such deeds shall be recorded in the office of the county recorder of the county wherein the property sold is situated, and said recorder shall make no charge therefor. The state controller shall provide uniform blank deeds, upon which all conveyances to the state under the provisions of this section shall be made. All such deeds, after being duly recorded, as herein provided, shall be forwarded by the county recorder to the controller. The controller shall record such deeds at length in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the state; *provided, however*, that when state lands have been sold to the state upon which the full purchase price of one dollar and twenty-five cents per acre has not been paid, the deeds to the state, after being duly recorded as herein provided, shall be forwarded by the county recorder to the surveyor general, and remain on file in his office, and the state shall dispose of such lands in the man-

ner provided in section three thousand seven hundred and eighty-eight. In all cases where land has heretofore been sold to the state for delinquent taxes, the deed therefor shall be made to the state within one year after this act takes effect; *provided*, five years shall have elapsed after the date of such sale. [In effect March 28, 1895.]

If the property is not redeemed within the time allowed by law for its redemption, the collector, or his successor in office, must make the state a deed of the property, reciting in the deed *the date of sale*, the name of the person assessed, when known, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and the year of assessment, and the time when the preferred right to purchase the land will expire, and that no person has redeemed the property during the time allowed for its redemption. No charge shall be made by the collector for the making of any such deed, and acknowledgments of all such deeds shall be taken by the county clerk free of charge. All said deeds shall be recorded in the office of the county recorder of the county wherein the property sold is situated, and said recorder shall make no charge therefor. The state controller shall provide uniform blank deeds, upon which all conveyances to the state under the provisions of section thirty-seven hundred and eighty-five of the Political Code shall be made. [In effect February 25, 1895.]

Tax sale, expiration of time for redemption: 97 Cal. 446. Proof of publication: 97 Cal. 447.

Sale for delinquent assessment, and notice of application for deed. 102 Cal. 517, 518, 519.

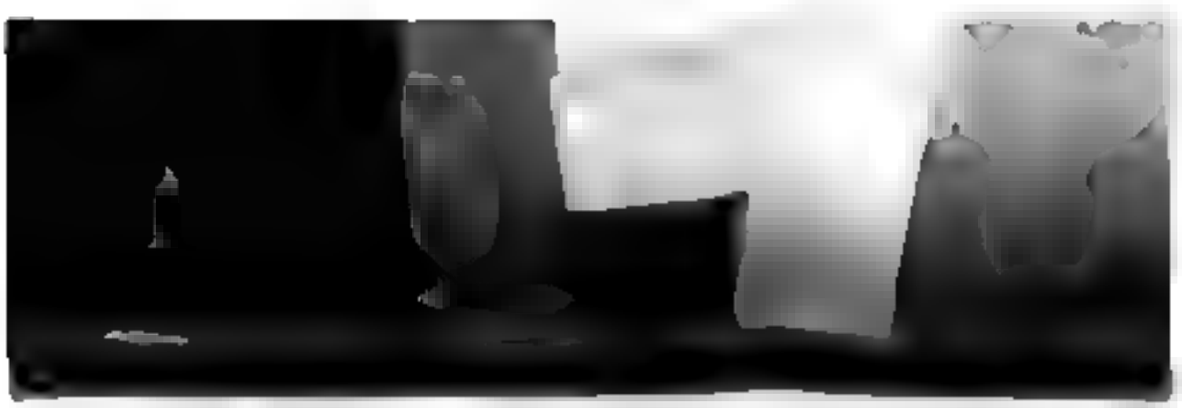
Tax sale, mode of application for deed: 104 Cal. 320.

3787. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the assessor, inclusive, up to the execution of the deed. Such deed conveys to the state the absolute title to the property described therein, free of all encumbrances, except when the land is owned by the United States, or this state, *in which case it is prima facie* evidence of the

right of possession, accrued as of the date of the deed to the state. [In effect March 28, 1895.]

Tax sale, deed is conclusive evidence of proper proof of publication: 97 Cal. 447.

3788. When state lands, upon which the full purchase price of one dollar and twenty-five cents per acre has not been paid, and the deed therefor to the state provided for in section three thousand seven hundred and eighty-five has been forwarded to and filed with the surveyor general, the said lands shall again become subject to entry and sale, in the same manner, and subject to the same conditions, as apply to other state lands of like character, except that the former possessors of the lands thus deeded to the state, their heirs or assigns, shall be preferred purchasers thereof for the period of six months after the deeds are filed with the surveyor general; but the surveyor general shall not permit an entry, or make a sale of any lands thus deeded to the state, except upon the previous payment into the state treasury, as other moneys are required to be paid therein, in addition to the price of said lands as compared with the price fixed for other state lands of like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, penalties, costs, and accruing costs, by virtue whereof the state became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, penalties, and costs, which may have accrued upon such lands prior to and subsequent to the date of the sale to the state, in pursuance of which the state received a deed therefor. The money thus paid into the treasury shall be distributed in the manner prescribed in section three thousand eight hundred and sixteen; provided, that the moneys received for twenty per cent of the purchase money and accruing interest



together with the principal, in case of full payment on the lands, shall be distributed by the surveyor general, in the manner now provided by law for such distribution. [In effect March 28, 1905.]

Such deed conveys to the state the absolute title to the property described therein, as of the date of the expiration of the period of five years from the date of the sale of said property to the state, free of all encumbrances, except when the land is owned by the United States or this state, in which case it is *prima facie* evidence of the right of possession, accrued as of the date of the deed to the state. All said deeds when recorded by the recorders of the several counties, as prescribed in section thirty-seven hundred and eighty-five of this code, shall be duly certified by such county recorder, and shall be duly filed in the office of the surveyor general, and thereupon the land shall again become subject to entry and sale in the same manner and subject to the same conditions, as apply to other state lands of like character, except that the former possessors of lands thus deeded to the state, their heirs or assigns shall be preferred purchasers thereof for the period of six months after the deeds are filed with the surveyor general, as prescribed in this section; but the surveyor general shall not permit an entry, or make a sale of any lands thus deeded to the state except upon the previous payment into the state treasury, in addition to the price of said lands, as compared with the price fixed for other state lands of a like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, costs and penalties, by virtue whereof the state became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, costs, and penalties which may have accrued upon such lands subsequent to the date of the sale to the state, in pursuance of which the state received a deed therefor. The money thus paid into the state treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen of this code. In all cases where land has heretofore been sold to the state for delinquent taxes, the deed therefor shall be made within one year after this act takes effect; *provided*, five years shall have elapsed after the date of such sale. [In effect February 28, 1905.]

Tax sale, time of executing deed: 104 Cal. 447, 448, 450.

3788. The assessment-book, or delinquent list, or copy thereof, certified by the county auditor, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and

that all the forms of law in relation to the assessment and levy of such taxes have been complied with. [In effect March 28, 1895.]

3790. The assessor of each county, and city and county, shall have power, between the first Monday in March and the third Monday in July of each year, to collect the taxes due on personal property, except when real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent. [In effect March 28, 1895.]

3793. For seizing or selling personal property, the assessor may charge in each case the sum of three dollars, and the same mileage as is allowed by law to the sheriff of the county. [In effect March 28, 1895.]

3797. The tax-collector must, on or before the last day in June of each year, attend at the office of the auditor with the delinquent list, with all items collected marked "paid" thereon, and the auditor must then carefully compare the list with the assessment of persons and property not marked "paid" on the assessment-book, and when taxes have been paid, must note the fact in the appropriate column in the assessment book. [In effect March 28, 1895.]

3799. The auditor must then foot up the amount of taxes unpaid, and credit the tax-collector with the amount, and have a final settlement with him; and the delinquent list must remain on file in the auditor's office. [In effect March 28, 1895.]

3800. At the time mentioned in section three thousand seven hundred and sixty-four the tax-collector must make an affidavit, indorsed on the list, that the taxes not marked "paid" have not been paid. [In effect March 28, 1895.]

3801. It shall be the duty of the tax-collector, within thirty days after the sale of any land for delinquent taxes, to furnish to the auditor the complete printed list of all such lands so sold, and thereupon the auditor shall enter upon the assessment-book, immediately after the description of the property, the fact that said property has been sold for taxes, and the date of such sale. [In effect March 28, 1895.]

It shall be the duty of the tax-collector, within thirty days after the sale of any land for delinquent taxes, to furnish to the assessor the complete printed list of all such lands so sold, and thereupon the assessor shall enter upon the assessment-book, immediately after the description of the property, the fact that said property has been sold for taxes, and the date of such sale. Upon all bills or statements of or for taxes accruing on said property subsequent to the date of such sale, and prior to the redemption of said property, or the execution to the state of a deed therefor, there shall be distinctly and legibly written, printed, or stamped the words "sold for taxes," and also the date of such sale. [In effect February 25, 1895.]

3803. Section three thousand eight hundred and three is hereby repealed. [In effect March 28, 1895.]

3804. Any taxes, penalties, and costs paid more than once, or erroneously or illegally collected, may, by the order of the board of supervisors, be refunded by the county treasurer; and whenever any payments shall have been made to the state treasurer by the county treasurer, as provided by sections three thousand eight hundred and sixty-five and three thousand eight hundred and sixty-six of this code, and it shall afterwards appear to the satisfaction of the board of supervisors that a portion of the money so paid has been paid more than once, or erroneously or illegally collected, said board may refund such portions of said taxes, penalties, and costs so paid to the state treasurer, to the person entitled to the same, out of the general fund in the county treasury; and upon rendering the report required by sec-

tion three thousand eight hundred and sixty-eight, the auditor shall certify to the controller, in such form as the controller may prescribe, all amounts so refunded, and in the next settlement of the county treasurer with the state the controller, if satisfied of the legality of such refunding by said board, shall give such treasurer credit for the state's portion of the amounts so refunded, as prescribed in section three thousand eight hundred and seventy-one. [In effect March 28, 1895.]

Refunding to county of taxes paid to state: 99 Cal. 78, 79, 81.

3805 When the tax-collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due, and make return of the facts, under affidavit, to the auditor, who shall, when directed to do so by the board of supervisors, cancel one of said erroneous or double assessments by an entry on the margin of the assessment-book, as also on the delinquent list, should such erroneous or double assessment be carried therein. If the property assessed under such erroneous or double assessment has been sold, and a certificate or deed therefor has been issued, such fact shall be certified to the controller by the auditor and tax-collector, and thereupon the controller shall issue his certificate, under seal, authorizing the auditor to cancel such erroneous or double assessment; *provided*, no cancellation of an erroneous or double assessment shall be made in any case until the taxes, penalties, and costs upon one of such assessments shall have been paid. Whenever the possessory interest in land belonging to the United States has been assessed, and sold to the state for delinquent state and county taxes, the board of supervisors in their respective counties shall have power, upon the application of the owner of the land, his representative, or any party interested therein,

ect the county auditor to cancel the certificate of in which such possessory interest was sold. Before an to cancel the certificate, as provided in this section, granted by the board of supervisors, the applicant satisfy the board that all taxes against the land, or possessory interest therein of such owner or his predecessor in title, have been paid. [In effect March 28, 1895.]

3808. If any person removes from one county to other, after being assessed on personal property, the assessor of the county in which he was assessed may employ an attorney to sue for and collect the same in the assessor's name; but such assessor shall not be relieved from the provisions of this chapter. [In effect March 28, 1895.]

3810. Section three thousand eight hundred and ten is hereby repealed. [In effect March 28, 1895.]

An act authorizing the payment of compensation or commission to persons employed by the state controller and attorney general or by boards of supervisors of the different counties, to collect delinquent state and county taxes, and legalizing all payments made for that purpose

[Approved March 26, 1895.]

SECTION 1. That all sums heretofore paid by the state to any person for compensation or commission to persons for collecting delinquent state and county taxes in pursuance of an agreement by such persons with the state controller and attorney general for such collections, and all sums heretofore paid by any board of supervisors out of the county treasury as compensation or commission for collecting such delinquent taxes in pursuance of an agreement by such persons with such boards of supervisors, are hereby approved and legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

3811. Section three thousand eight hundred and eleven is hereby repealed. [In effect March 28, 1895.]

3812. Section three thousand eight hundred and twelve is hereby repealed. [In effect March 28, 1895.]

3813. *In case property* assessed for taxes is purchased

by the state, pursuant to provisions of section three thousand seven hundred and seventy-one* of this code, it shall be assessed each subsequent year for taxes until a deed is made to the state therefor in the same manner as if it had not been so purchased. [In effect March 28, 1895.]

3814. In case an assessment is made under the provisions of section three thousand eight hundred and thirteen of this code, and the lands are not redeemed from a previous sale had under section three thousand seven hundred and seventy-one, as provided by law, no sale shall be had under the assessment authorized by said section three thousand eight hundred and thirteen. [In effect March 28, 1895.]

3815. In case property is sold to the state, pursuant to section three thousand seven hundred and seventy-one of this code, and is subsequently assessed pursuant to section three thousand eight hundred and thirteen of this code, no person shall be permitted to redeem from such sale, except upon payment of the amount of such subsequent assessments, costs, fees, penalties, and interest. [In effect March 28, 1895.]

3816. Whenever property sold to the state, pursuant to the provisions of this chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows:

The original and subsequent taxes, and percentages, penalty, and the interest paid on redemption, shall be apportioned between the state and county, or city and county, in the same proportion that the state rate bears to the county, or city and county, rate of taxation; the additional penalties received on account of delinquency, together with the costs, shall be paid into the treasury for

*Amendment of February 25, 1895, read "3773" instead of "3771."

the use and benefit of the county, or city and county; the total amount received for state poll tax shall be paid to the state, without deduction of any percentages; the amounts received for road or hospital poll tax, and the amounts received for school, or road district, or other taxes, together with the penalties thereon, shall be paid into the county treasury, and placed to the credit of the proper funds. The county treasurer and auditor shall each keep an accurate account of any and all moneys received in pursuance of this section, and shall at the time the treasurer is required to settle with the state, in pursuance of sections three thousand eight hundred and sixty-five, three thousand eight hundred and sixty-six, and three thousand eight hundred and sixty-eight, make a detailed report, verified by their affidavit, of each account, year for year, to the controller of state, in such form as the controller may desire. [In effect March 28, 1895.]

Whenever property sold to the state, pursuant to the provisions of this chapter, shall be redeemed as herein provided the moneys received on account of such redemption shall be distributed as follows: The original and subsequent taxes, and all percentages and penalties paid in redemption, except as hereinafter provided, shall be apportioned between the state and county, in the same proportion that the state tax bears to the county tax, the five per cent additional and the moneys received for delinquent poll tax, shall be paid to the county, the percentage allowed for the collection of the delinquent poll tax shall be paid to the collector, and the costs to the parties entitled thereto. The county treasurer shall keep an accurate account of all moneys paid in redemption of property sold to the state, and shall, on the first Monday of June in each year, make a detailed report, verified by his affidavit, of each account, year for year, to the controller of state, in such form as the controller may desire. Whenever the state shall receive from the tax-collector any grant of property so sold for taxes, the same shall be recorded, at the request of the county treasurer, free of charge, by the county recorder, and shall be immediately reported by the county treasurer to the state board of equalization. [In effect February 25, 1895.]

3817. In all cases where real estate has been or may hereafter be sold for delinquent taxes to the state, and

the state has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the state and before the state shall have disposed of the same, have the right to redeem such real estate, by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also for each year since the sale for which taxes on said land have not been paid, an amount equal to the percentage of taxes for that year upon the value of the real estate as assessed for that year; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of January of each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, as hereinafter specified, and penalties as follows, to wit: Ten per cent, if redeemed within six months from the date of sale; twenty per cent, if redeemed within one year therefrom; forty per cent, if redeemed within two years therefrom; sixty per cent, if redeemed within three years therefrom; eighty per cent, if redeemed within four years therefrom; and one hundred per cent, if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sale thereof. The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and

shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the state controller and one to the county auditor, taking their receipts therefor. The county treasurer shall settle for the moneys received as for other state and county moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the treasurer, controller, and auditor, any deed or certificate of sale that may have been made to the state shall become null and void, and all right, title, and interest acquired by the state, under and by virtue of the tax sale, shall cease and determine. The receipts of the county treasurer, controller, and county auditor may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale. This act shall apply to state lands sold by the state when the full amount of the purchase price of one dollar and twenty-five cents per acre has not been paid to the state therefor, except when the deed to the state, provided for in section three thousand seven hundred and eighty-five, has been filed with the surveyor general. [In effect March 28, 1895.]

In all cases where real estate has been or may hereafter be sold for delinquent taxes, and the state has become the purchaser and has not disposed of the same, the person whose estate has been or may hereafter be sold or his heirs, executors, administrators, or other successors in interest shall at any time after the time of purchase thereof by the state and before the state shall have disposed of the same, have the right to redeem such *real estate*, by paying to the county treasurer *the county wherein the real* estate is situated, the amount of

[illegible] due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum, and also all taxes that were a lien upon said real estate at the time said taxes became delinquent, and one for each year since the sale for which taxes so said land have not been paid, an amount equal to the percentage of taxes for that year upon the value of said real estate as assessed for that year, or if not so assessed, then upon the value of the property as assessed for the year nearest to the time of such redemption, with interest from the first day of January of each of said years respectively, at the same rate and time, costs and expenses which may have accrued by reason of such delinquency, and also all the costs and expenses of such redemption, as hereinafter specified and provided, as follows, to wit: Ten per cent, if redeemed within six months from the date of sale; twenty per cent, if redeemed within one year thereafter; forty per cent, if redeemed within two years thereafter; eighty per cent, if redeemed within three years thereafter, and one hundred per cent, if redeemed within five or any greater number of years thereafter. The penalty shall be computed upon the amount of such purchase, in the manner resulting from the time when the sale would have been void for the taxes of that year, if there had been no previous sale thereof. The [illegible] shall be applied on the payment to reduce, under an estimate of the amount to be paid, and shall give him appropriate certificates of the amount upon [illegible] the several amounts hereof, which certificates shall be delivered to the county treasurer, who [illegible] with the money, and the county treasurer shall give appropriate receipts, either or redemption, and certificates, to the redemptioner who shall deliver one of said receipts to the state controller and pay to the county auditor, [illegible] receipts therefor. The county treasurer shall settle for the moneys received as for other state and county moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the treasurer, controller and auditor, and duplicates of said certificates, as aforesaid, the redemption shall become valid, and vest and all rights, title and interest acquired by the state under and by virtue of the tax sale shall cease and determine. The receipts of the county treasurer, controller and auditor may be recorded in the office of the county recorder in which said real estate is situated, and the same, or a certified copy thereof, shall be received in evidence in all courts in the state, with the same effect as the original certificate of the purchaser, and shall be prima facie evidence of the facts therein stated. This act shall not apply to any [illegible] where the [illegible] amount of one dollar and twenty-five cents per acre has not been paid to the state thereon. [In effect February 15, 1905.]

3818 Section thirty-eight hundred and eighteen of the Political Code of the State of California is hereby repealed. [In effect February 25, 1905.]

Section 3818. A redemption may be made of any lot, piece, or parcel of land contained in any assessment, separately from the whole assessment, in the manner following: In the estimate provided for in the preceding section, the auditor shall estimate the amount of state and county taxes due on such lot, piece, or parcel of land, together with a proper proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, or lesser taxation district; and such redemption shall be made in the manner provided for in the preceding section.

The recorder shall note, on the margin of the record of the certificate of sale, a description of the property thus redeemed, and shall specifically set forth the several amounts of taxes paid upon such redemption. [In effect March 28, 1895.]

3819. At any time after the assessment-book has been received by the tax-collector, and the taxes have become payable, the owner of any property assessed therein, who may claim that the assessment is void in whole or in part, may pay the same to the tax-collector under protest, which protest shall be in writing, and shall specify whether the whole assessment is claimed to be void, or if a part only, what portion, and in either case the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as voluntary payment, and such owner may at any time within six months after such payment bring an action against the county, in the superior court, to recover back the tax so paid under protest; and if it shall be adjudged that the assessment, or the part thereof referred to in the protest, was void on the ground specified in the protest, judgment shall be entered against such county therefor; provided, that no assessment shall be declared void on account of

deductions being made for mortgages where part payments have been made and not released upon the record. On the payment of any such judgment, such part of the tax recovered thereby as may have been paid by the county treasurer into the state treasury, shall be regarded as an amount due the county from the state; and shall be deducted in the next settlement had by the county with the controller; such deductions to be made in the manner that other deductions are made, as provided in section three thousand eight hundred and seventy-one of this code. [In effect March 28, 1895.]

3820. The assessor must collect the taxes on all personal property, when, in his opinion, said taxes are not a lien upon real property sufficient to secure the payment of the taxes; the taxes on all assessments of possession of, claim to, or right to the possession of land, shall be immediately due and payable upon assessment, and shall be collected by the assessor as provided in this chapter. [In effect March 28, 1895.]

3823. The assessor shall be governed as to the amount of taxes to be collected upon personal property by the state and county rate for the previous year. [In effect March 28, 1895.]

3826. The assessor, on the first Monday in each month, must make a settlement with the auditor, and must pay into the county treasury all moneys collected by him for such taxes during the preceding month. [In effect March 28, 1895.]

3829. For services rendered in the collection of taxes under section three thousand eight hundred and twenty, the assessors of the several counties, or cities and counties, shall receive such compensation as the act governing

salaries of county officers may provide. [In effect March 28, 1895.]

3830. Section three thousand eight hundred and thirty is hereby repealed. [In effect March 28, 1895.]

3831 Within fifteen days after the first Monday in August of each year, the auditor of the county, or city and county, must make a careful examination of the assessment-book or books of the county, or city and county, and ascertain therefrom the amount or amounts of all taxes that should have been collected by the assessor in pursuance of this chapter, and which have not been collected. He must then state an account to the assessor, and demand from him that the amount, or amounts, so remaining uncollected shall be paid into the county treasury within fifteen days from the date of said demand. If, at the expiration of said time, the assessor has not settled for and paid said amount, or amounts, into the treasury as aforesaid, the district attorney must commence an action in the proper court against the assessor and his bondsmen, for the recovery of said amount or amounts so remaining uncollected; and upon the trial of such action no defense shall be admissible, except that the assessment or assessments are illegal, invalid, or void. [In effect March 28, 1895.]

3839 Poll tax, compensation for collection of: 94 Cal. 64.

3840 Poll tax must be collected by the assessors between the first Monday in March and the last Monday in December of the same year. [In effect March 28, 1895.]

3841. The county treasurer must, before the first Monday in March and the first Monday in July of each year, cause *to be printed*, respectively, two and three-dollar *blank poll* tax *receipts*, in book form, with stubs

numbered the same as the receipts, of one hundred in each book, a sufficient number for the use of the assessor. The stubs shall have a line for the name of the poll tax payer, his age, residence, occupation, by whom employed, and the name of the deputy collecting the tax. [In effect March 28, 1895.]

3854. On the first Monday in July, the assessor must return to the auditor all two-dollar blank poll tax receipts received by him and not used, and pay to the treasurer the total amount collected and not before paid in, less the amount of his fees, and the auditor must deliver to him the three-dollar receipts; and on the last Monday in December of each year, he must return to the auditor all three-dollar poll tax receipts received by him and not used, and must make final settlement with the auditor and treasurer therefor. [In effect March 28, 1895.]

3858. On the last Monday in December of each year, the assessor must deliver to the auditor the roll so made up, and the auditor must add to the total poll tax delinquent on such roll, thirty-three and one-third per centum additional, and on the second Monday in January following, deliver such list to the tax-collector and charge the tax-collector therewith. [In effect March 28, 1895.]

3862. Poll tax, compensation for collection of: 104 Cal. 64.

3867. Every county treasurer who neglects or refuses to appear at the office of the controller and treasurer at the times specified in this chapter, and then and there to settle and make payment as required by this chapter, shall forfeit to the state of California one thousand dollars, to be recovered in an action brought by the attorney general in the name of the controller. [In effect March 28, 1895.]

3870. Every auditor who fails or refuses to make and

transmit the report required by this chapter, or any report or statement required by this title, forfeits to the state of California one thousand dollars, to be recovered in an action brought by the attorney general in the name of the controller. [In effect March 28, 1895.]

3871. In the settlement, the controller must deduct the mileage allowed to the county treasurer in making settlement, the state's portion of the repayments made under section three thousand eight hundred and twenty-four, the state's portion of all amounts refunded under section three thousand eight hundred and four, and any other amounts due the county, or city and county. [In effect March 28, 1895.]

3873. The controller must, after the treasurer has made settlement and payment, enter upon each copy of the auditor's report a statement showing:

1. The amount of money by the county treasurer paid into the state treasury.

2. The amounts authorized to be deducted under section three thousand eight hundred and seventy-one.

And must then return one copy of the report to the county treasurer. [In effect March 28, 1895.]

3878. If he believes any officer has been guilty of defrauding the state of revenue, or has neglected or refused to perform any duty relating to the revenue, he must direct the attorney general, or other counsel, to prosecute the delinquent. [In effect March 28, 1895.]

3881. Omissions, errors, or defects in form in any assessment-book, when it can be ascertained therefrom what was intended, may, with the written consent of the district attorney, be supplied or corrected by the assessor at any time prior to the sale for delinquent taxes, after the assessment was made. In the city and county of San

Francisco the written consent of the city and county attorney shall have the same force and effect as the written consent of the district attorney. [In effect March 28, 1895.]

3886. Section three thousand eight hundred and eighty-six is hereby repealed. [In effect March 28, 1895.]

3888. Taxes must be paid in the lawful money of the United States. A tax levied for a special purpose may be paid in such funds as may be directed. [In effect March 28, 1895.]

3893. Section three thousand eight hundred and ninety-three is hereby repealed. [In effect March 28, 1895.

3894. Section three thousand eight hundred and ninety-four is hereby repealed. [In effect March 28, 1895.]

Taxation, allowance of and compensation to deputy assessors: 102 Cal. 447, 448.

3895. Section three thousand eight hundred and ninety-five is hereby repealed. [In effect March 28, 1895.]

Allowance of and compensation to deputy assessors: 102 Cal. 447, 448.

3896. Section three thousand eight hundred and ninety-six is hereby repealed. [In effect March 28, 1895.]

3897. Whenever the state shall become the owner of any property sold for taxes, and the deed to the state has been filed with the controller, as provided in section three thousand seven hundred and eighty-five, the controller may thereupon, by a written authorization, direct the tax-collector of the county, or city and county, to sell the property in the manner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the

county, or city and county, or, if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county, or city and county, for the same period. Such notices must state specifically the place of, and the day and hour of sale, and shall contain a description of the property to be sold, and shall also embody a copy of the authorization received from the controller. At the time set for such sale, the tax-collector must sell the property described in the controller's authorization and said notices, at public auction, to the highest bidder for cash, in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property, and all interests, costs, penalties, and expenses up to the date of such sale. The expense of the publication of the notice herein required, shall be a charge against the county. [In effect March 28, 1895.]

3898. The moneys received from such sale shall be distributed as follows: The tax-collector shall deduct the penalties, costs, and other amounts received as expenses attending such sale, and the balance shall be distributed between the state, and county, or city and county, in the proportion that the state rate bears to the county, or city and county rate of taxation; said tax-collector shall pay all amounts into the county treasury, and the treasurer shall account to the state for its portion in the settlement required by section three thousand eight hundred and sixty-five, and section three thousand eight hundred and sixty-six. On receiving the amount bid, as prescribed in the preceding section, the tax-collector must execute a deed to the purchaser, reciting the facts necessary to authorize such sale and conveyance, which deed shall convey all the interest of the state in and to such property, and shall be

prima facie evidence of all facts recited therein. [In effect March 28, 1895.]

3899. The controller may, at any time after a delinquent list has been delivered to a tax-collector, direct such tax-collector not to proceed in the sale of any property on said list whereon the taxes shall amount to three hundred dollars or more. Upon such direction, the tax-collector must make out, and deliver to the controller, a certified copy of the entries upon the delinquent list relative to such tax. The controller shall thereupon direct the attorney general to bring suit against the delinquent, in the proper court, in the name of the people of the state of California, to enforce such collection. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals, are hereby made applicable to the proceedings herein provided for. The moneys received in pursuance of this section shall be distributed as provided in the preceding section. [In effect March 28, 1895.]

The controller may, at any time after a delinquent list has been delivered to a collector, direct such collector not to proceed in the collection of any tax on said list amounting to three hundred dollars, further than to offer for sale but once to the state any property upon which such tax is a lien. Upon such direction, the collector, after offering the property for sale once, if the taxes which are a lien upon such property are not then and there paid by the owner or person in interest, the collector must make out and deliver to the controller a certified copy of the entries upon the delinquent list relative to such tax, and the tax collector, or the controller, in case the tax collector refuses or neglects for fifteen days after being directed to bring suit for collection by the controller, may proceed by civil action in the proper court, and in the name of the people of the state of California, to collect such tax and cost. [In effect February 25, 1895.]

Delinquent taxes, action in name of people for recovery of: 99 Cal. 599, 600, 601.

3900. Whenever, in this title, any official, or officials, are authorized to commence an action for the violation of any law relating to revenue, or to compel the specific per-

formance thereof, such official, or officials, may designate the county, or city and county, in which such action shall be commenced and prosecuted. [In effect March 28, 1895.]

SEC. 112. All acts and parts of acts in conflict with this act are hereby repealed *provided*, nothing in this act contained shall affect the time or manner of collecting delinquent assessments levied and assessed to pay the damages, costs, and expenses for or incident to the laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court or place within municipalities in this state, nor the time or manner of sales, or redemption after sales, of real property sold to pay the damages, costs, and expenses incident to such work or improvement aforesaid; and the time and manner of sale, or redemption after sale, of any real property sold to pay the damage, cost, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court or place within municipalities in this state, shall be had and made in the same time and manner, as provided by law in such matters, on the first day of January, Anno Domini eighteen hundred and ninety-five.

SEC. 113. This act shall take effect and be in force from and after its passage. [Approved March 28, 1895.]

3912. Boundaries of Lassen county, judicial notice: 104 Cal. 291.

4046. Franchises, power of supervisors to grant. 99 Cal. 38.

4112. Perjury, oath before a deputy registrar: 102 Cal. 251.

4120. Officers, absence of county officer from state: 100 Cal. 539, 540.

4176 (subd. 6) **Sheriff, as custodian** of prisoners county jail: 97 Cal. 242.

4235 He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in a fair hand:

1. Deeds, *grants, transfers,* and mortgages of real estate, *releases of mortgages, powers* of attorney to convey

real estate, and leases which have been acknowledged or proved;

2. Mortgages of personal property;

3. Certificates of marriage and marriage contracts;

4. Wills admitted to probate;

5. Official bonds;

6. Notices of mechanics' liens;

7. Transcripts of judgments which by law of this state, or of the United States, are made liens upon real estate in this state;

8. Notices of attachments upon real estate;

9. Notices of the pendency of an action affecting real estate, the title thereto, or possession thereof;

10. Instruments describing or relating to the separate property of married women;

11. Notices of pre-emption claims;

12. Births and deaths; and,

13. Such other writings as are required or permitted by law to be recorded. [In effect March 14, 1895.]

Assignment for benefit of creditors, validity of unrecorded assignment: 98 Cal. 412.

4334. Counties, percentage for collecting poll taxes: 104 Cal. 66.

4372. Supervisors, authority of to widen streets in San Francisco: 98 Cal. 617.

4408. *An act to amend an act entitled "An act to provide and regulate the manner of receiving and paying fees, commissions, percentages, and other compensation for official services in cities, and cities and counties, having a population of over one hundred thousand inhabitants, and prescribing the duties of officers with reference thereto," approved March 11, 1893, by adding two new sections thereto, to be known and designated as sections number fifteen and sixteen, respectively, providing for the appointment of certain clerks, to be known as fee clerks, prescribing the duties of such clerks, and regulating and providing for their salary*

[Approved March 26, 1895.]

SECTION 1. Two new sections are hereby added to an act entitled "An act to provide and regulate the manner of receiv-

ng and paying fees, commissions, percentages, and other compensation for official services in cities, and cities and counties, having a population of over one hundred thousand inhabitants, and prescribing the duties of officers with reference thereto," approved March eleventh, eighteen hundred and ninety-three, to be known as sections fifteen and sixteen of said act, to read as follows:

Section 15. For the purpose of carrying out the provisions of said act the treasurer of any such cities, or cities and counties, is hereby authorized to appoint clerks not to exceed three in number, to be known as fee clerks, and said fee clerks shall be allowed a salary of one hundred and fifty dollars per month; they shall give a bond in whatever sum the said treasurer may exact, and they shall perform such duties as he, the said treasurer, may direct. The salaries of said clerks shall be a charge and paid out of the unapportioned fee fund in this act created.

Section 16. The boards of supervisors of any such cities, or cities and counties, if in their judgment they deem it necessary, may grant additional assistance in the way of clerks to any of the fee officers whose labor has been increased under said act; and the salaries of such additional clerks shall be allowed and audited out of said unapportioned fee fund.

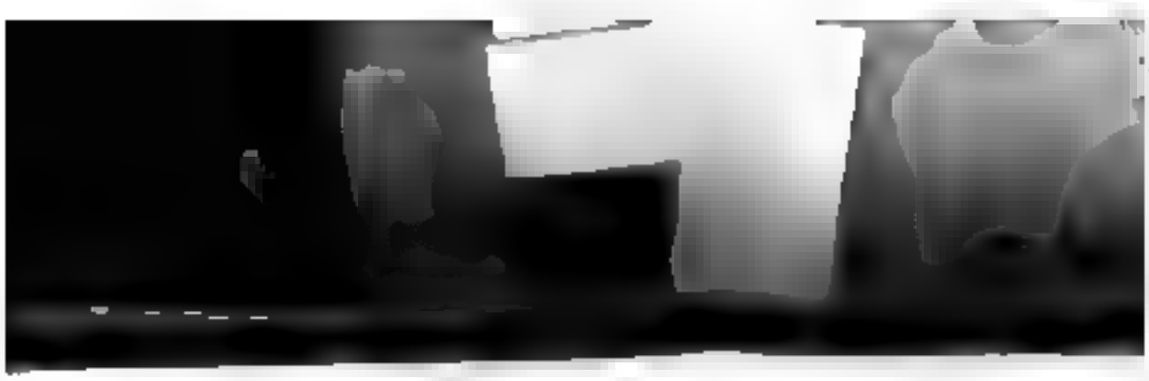
SEC. 2. This act shall take effect immediately.

4424. *An act to amend section six of an act entitled "An act to amend an act entitled 'An act to provide for police courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof,' approved March 18, 1885, 'and to provide for clerks of police courts in cities of twenty-six thousand and under fifty thousand inhabitants,' approved March 31, 1891, 'and to provide for clerks of police courts in cities having a population of more than thirty thousand and not exceeding one hundred thousand inhabitants.'"*

[Approved March 26, 1895.]

SECTION 1. Section six of an act to amend an act entitled "An act to provide for police courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof," approved March eighteenth, eighteen hundred and eighty-five, "and to provide for clerks of police courts in cities of twenty-six thousand and under fifty thousand inhabitants," approved March thirty-first, eighteen hundred and ninety-one, is hereby amended so as to read as follows:

Section 6. The police courts in all cities having more than thirty thousand and not exceeding one hundred thousand inhabitants, shall have a clerk for each of the judges of said courts, who shall be appointed by the judge of the said court presiding in the department thereof in which the said clerk is to act, who shall hold office for the period of two years from the date of his appointment. Each of the said clerks shall receive an annual salary of one thousand five hundred dollars a year, payable monthly out of the treasury of said city, which salary



GENERAL LAWS 1895.

An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved March 24, 1893, by amending section one hundred and sixty-two, relating to the classification of counties, and section two hundred and sixteen, providing for certain deputies and certain fees, and to insert a new section to be numbered one hundred and seventy and one-half, and to create a new class of counties of the eighth and one-half class, relating to the government of counties.

[Approved January 25, 1895.]

162. For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this state are hereby classified, and shall herein remain classified, according to their population as ascertained by the federal census taken the year eighteen hundred and ninety, or as otherwise provided in this act, to wit:

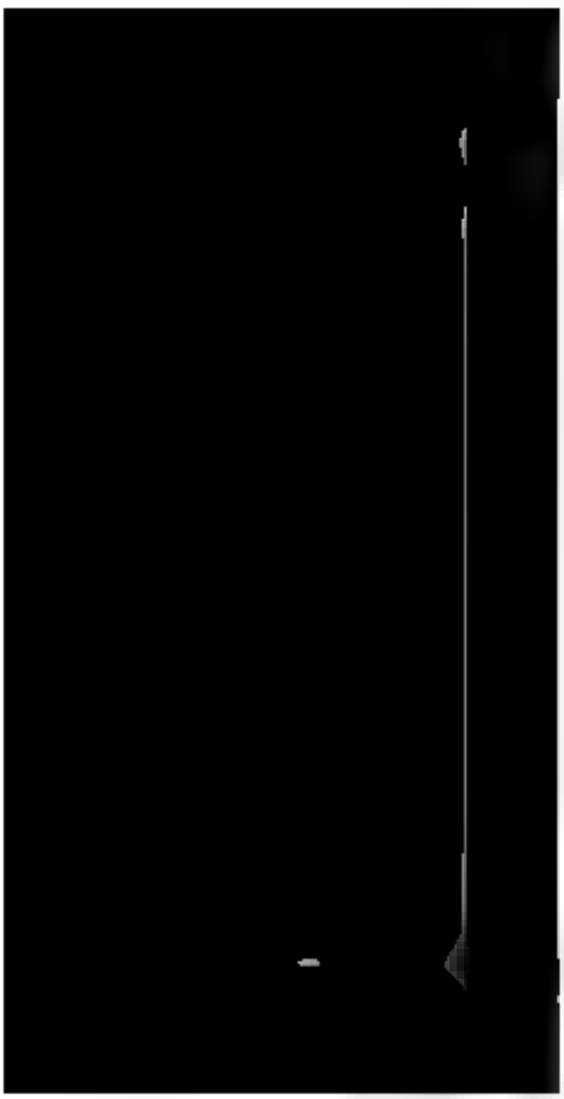
All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.

Counties containing a population of forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty thousand and under forty-five thousand shall belong to and be known as counties of the fifth class.



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[Approved January 25, 1895.]

162 For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this state are hereby classified, and shall herein remain classified, according to their population as ascertained by the federal census taken the year eighteen hundred and ninety, or as otherwise provided in this act, to wit.

All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.

Counties containing a population of forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty thousand and under forty-five thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-four thousand and under forty thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-two thousand five hundred and under thirty-four thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-two thousand and under thirty-two thousand five hundred shall belong to and be known as counties of the eighth class.

Counties having a population of thirty thousand and under thirty-two thousand shall belong to and be known as counties of the eighth and one-half class.

Counties having a population of twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-five thousand and under twenty-eight thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty thousand and under twenty-three thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of nineteen thousand and under twenty thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of eighteen thousand and under nineteen thousand shall belong to and known as counties of the fifteenth class.

Counties having a population of seventeen thousand nine hundred and under eighteen thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of seventeen thousand and

under seventeen thousand five hundred shall belong and be known as counties of the eighteenth class.

Counties having a population of sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class.

Counties having a population of sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class.

Counties having a population of fifteen thousand seven hundred and under sixteen thousand shall belong to and be known as counties of the twenty-first class.

Counties having a population of fifteen thousand and under fifteen thousand seven hundred shall belong to and be known as counties of the twenty-second class.

Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty-third class.

Counties having a population of thirteen thousand five hundred and eighty and under fourteen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of thirteen thousand five hundred and under thirteen thousand five hundred and eighty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of thirteen thousand and under thirteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of twelve thousand one hundred and sixty and under twelve thousand five hundred shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of twelve thousand and under twelve thousand one hundred and sixty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of ten thousand three hundred and under twelve thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of ten thousand and eighty and under ten thousand three hundred shall belong to and be known as counties of the thirty-first class.

Counties having a population of ten thousand and seventy and under ten thousand and eighty shall belong to and be known as counties of the thirty-second class.

Counties having a population of ten thousand and under ten thousand and seventy shall belong to and be known as counties of the thirty-third class.

Counties having a population of nine thousand nine hundred and under ten thousand shall belong to and be known as counties of the thirty-fourth class.

Counties having a population of nine thousand eight hundred and under nine thousand nine hundred shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of nine thousand six hundred and under nine thousand eight hundred shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of nine thousand and under nine thousand six hundred shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of eight thousand five hundred and under nine thousand shall belong to and be known as counties of the thirty-eighth class.

Counties having a population of eight thousand and under eight thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the fortieth class.

Counties having a population of six thousand four hundred and under seven thousand shall belong to and be known as counties of the forty-first class.

Counties having a population of six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of five thousand four hundred and under six thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of five thousand and un-

der five thousand four hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of four thousand nine hundred and eighty and under five thousand shall belong to and be known as counties of the forty-fifth class

Counties having a population of four thousand nine hundred and under four thousand nine hundred and eighty shall belong to and be known as counties of the forty-sixth class.

Counties having a population of four thousand and under four thousand nine hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of three thousand seven hundred and eighty and under four thousand shall belong to and be known as counties of the forty-eighth class.

Counties having a population of three thousand seven hundred and under three thousand seven hundred and eighty shall belong to and be known as counties of the forty-ninth class.

Counties having a population of three thousand five hundred and under three thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of two thousand five hundred and under three thousand five hundred shall belong to and be known as counties of the fifty first class.

Counties having a population of two thousand and under two thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of under two thousand shall belong to and be known as counties of the fifty-third class.

SEC. 2. A new section is hereby added to said act, to be numbered one hundred and seventy and one half, as follows:

Section 170½. In counties of the eighth and one-half class, county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit

1. The county clerk, seven thousand six hundred dollars per annum.

2. The sheriff, eight thousand dollars per annum.

3. The recorder, the fees now allowed by law pertaining to said recorder's office; *provided*, that all books of record, printing, and stationery shall be furnished and paid for by the recorder out of his fees. The style and quality of the same to be approved by the board of supervisors.

4. The auditor, five thousand five hundred dollars per annum.

5. The treasurer, three thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum.

7. The assessor, four thousand dollars per annum, and such fees as are allowed by law.

8. The district attorney, five thousand dollars per annum.

9. The superintendent of public schools, twenty-five hundred dollars per annum.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The coroner, five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. The constable, such fees as are hereby or may be allowed by law.

14. The justices of the peace, such fees as are hereby or may hereafter be allowed by law.

15. The supervisors, five hundred dollars per annum, and fifteen cents per mile in going from their residences to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law, for services as road commissioners.

16. Each county and township officer shall be responsible on his official bond for the official accounts of each of his deputies, and may at his own pleasure revoke the appointment of any of said deputies.

17. No county officer, deputy, or clerk employed in any of the offices of counties of this class shall be permitted to perform the services of a notary public while in the employ of the county.

18. The following county and township officers shall charge and collect the following fees:

COUNTY CLERK.

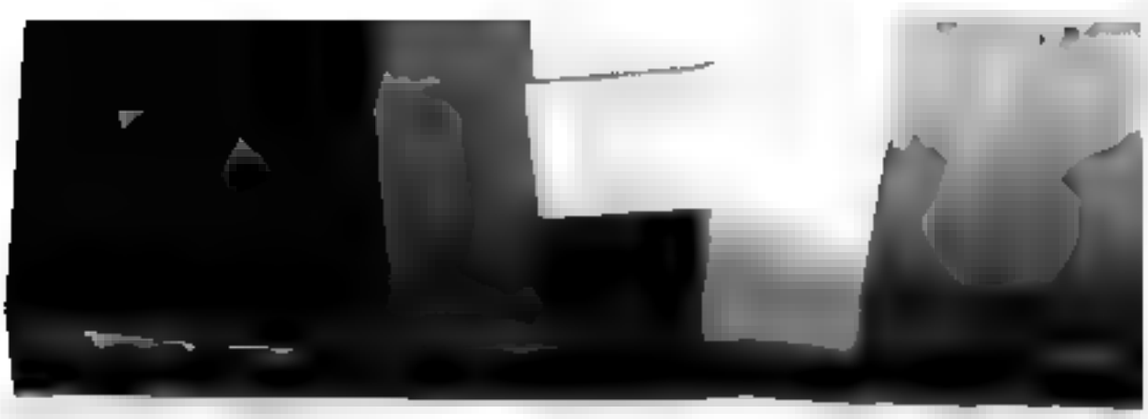
On the commencement of any action [illegible] the superior court, except [illegible]

appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars. On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner; *provided*, that at the time of filing the inventory and appraisement in any such proceeding there shall be an additional deposit of five dollars when the appraised valuation exceeds five hundred dollars and is under ten thousand dollars, and an additional ten dollars when the appraised valuation is ten thousand dollars or over. On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars. For every additional defendant appearing separately, to be paid as provided, one dollar. The foregoing fees shall be in full for all services rendered by such clerk in the cause, to and including the making up of the judgment-roll. One dollar of the amount paid on the commencement of each action or proceeding shall belong to and be paid to the law library fund, as provided by law. On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, three dollars. The clerk shall also charge and collect the following fees and compensation not above provided for. For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, where such copy is made by him, per folio, ten cents. For each certificate of the clerk, under the seal of the court, twenty-five cents. For filing each claim in probate or insolvency proceedings, fifteen cents. No fees shall be allowed or charged by the clerk for services rendered in any criminal case. For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees: For issuing marriage license, one-half to be paid to the county recorder, two dollars. For recording the testimony upon examination of insane persons, when it is ascertained by the judge of

the superior court that the person committed has property sufficient wherewith to pay the expenses of his commitment, per folio, ten cents. For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents. For issuing any license required by law, other than marriage licenses, one dollar. For examining and certifying to a copy of any paper, record, or proceeding prepared by another, and presented for his certificate, fifty cents. For making satisfaction of or credit on judgment, twenty-five cents. For receiving and filing remittitur from supreme court, fifty cents. For administering each oath, without certificate, except in a pending action or proceeding, ten cents. For taking any affidavit, except in pending actions or proceedings, and certifying same, twenty-five cents. For taking and approving each undertaking and the justification thereof, except in pending actions or proceedings, fifty cents. For searching records or files, fifty cents. For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents. For filing notices of appeal and appeal bonds, each, ten cents.

SHERIFF.

For serving any process, writ, order, or paper required by law to be served by the sheriff, fifty cents. For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar. For taking any bond or undertaking, fifty cents. For serving an attachment or execution on any ship, boat, or vessel, three dollars. For keeping and caring for property under attachment or execution, such sum as the court may fix; *provided*, that no greater sum than two dollars per day shall be allowed to a keeper, when necessarily employed. For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies. For advertising sale of property and posting notice, or furnishing notice for publication, each fifty cents. For publication of notice in newspaper, such sum as he may be required to pay for such publication, not exceeding



enty-five cents per square for the first insertion, twenty-five cents for the second insertion, and fifteen cents for each insertion thereafter. For serving a writ of possession or restitution, one dollar and fifty cents. For subpœnaing witness, including copy of subpœna, each twenty-five cents. For summoning trial jury of twelve or less, two dollars; for each additional juror, fifteen cents. For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents. No constructive mileage to be allowed. For collecting money on execution, with or without levy, one per cent. For executing and delivering sheriff's deed, one dollar and fifty cents. For executing and delivering certificate of sale, fifty cents.

RECORDER.

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents. For indexing every instrument, paper, or notice, for each name, ten cents. For filing every instrument for record, and making the necessary entries thereon, fifteen cents. For each certificate under seal, twenty-five cents. For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents. For searching the records of his office, for each year, fifty cents. For abstract of title, for each conveyance or encumbrance, twenty-five cents. For recording each map or plat, for each course, ten cents. For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for filing and recording any map shall not exceed fifty dollars. For taking acknowledgment of any instrument, fifty cents. For recording marriage license and certificate, to be paid by the county clerk, one dollar. For recording transcript and all services in estray cases, one dollar. For recording each mark or brand, seventy-five cents. For administering each oath or affirmation, and certifying the same, twenty-five cents. For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents. The clerk, sheriff, and recorder shall account for all fees in this section provided for, and the clerk and sheriff shall pay the same to the county

treasurer on the first Monday of the month following their collection, as provided in this act.

JUSTICES OF THE PEACE.

Justices of the peace may, for their own use, collect the following fees, and no others: For filing each paper, five cents. For issuing each process, writ, order, or paper required by law to be issued, twenty-five cents. For entering every cause on the docket, and indexing same, fifty cents. For administering oath or affirmation, ten cents. For each certificate, or affidavit, twenty-five cents. For entering final judgment not exceeding two folios, fifty cents; for additional folio, ten cents. For taking and approving bond or undertaking, including the justification of sureties, fifty cents. For taking depositions, per folio, ten cents. For entering satisfaction of judgment, twenty-five cents. For copy of his docket or any file of his office, when required to make the same, per folio, ten cents. For certifying transcript on appeal and transmitting papers, fifty cents. For celebrating marriage and making return thereof to the recorder, five dollars. For all services in any criminal trial or proceeding, three dollars. For entering cause without process, fifty cents. For entering judgment by confession, one dollar. For entering every motion, rule, exception, or default, fifteen cents. For taking the acknowledgment of any deed or instrument, fifty cents. For all charges for transmitting papers on change of venue, one dollar. For holding inquest, when the coroner fails to act, five dollars. For each mile necessarily traveled in going to place of inquest, fifteen cents. For directing or attending the interment of each body upon which he may have held an inquest, two dollars.

CONSTABLE.

For serving summons and complaint, for first party served, fifty cents; for each additional defendant served, twenty-five cents. For each copy of summons for service when made by him, twenty-five cents. For levying writ of attachment, or execution, or executing order of arrest, or for the delivery of personal property, one dollar. For serving writ of attachment or execution on any ship, boat, or vessel, three dollars. For keeping personal prop-

erty, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed. For taking bond or undertaking, fifty cents. For copies of writs and other papers, except summons, complaint, and subpœnas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies. For serving any writ, notice, or order, except summons, complaint, or subpœnas, for the first person, fifty cents; on each subsequent person, twenty-five cents. For writing and posting each notice of sale of property, twenty-five cents. For furnishing notice for publication, twenty-five cents. For serving subpœnas, each witness, including copy, twenty-five cents. For collecting money on execution, one and one-half per cent. For executing and delivering certificate of sale, fifty cents. For executing and delivering constable's deed, one dollar and fifty cents. For each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents For traveling outside of his township to serve such writ, order, or paper, in going out, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed. For each mile traveled within his township in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents. For each mile traveled out of his township, both going and returning from place of arrest, five cents; *provided*, that no warrant of arrest or other criminal process shall be served by any constable out of his township, and mileage charged therefor, except such service be ordered, in writing, by the district attorney of the county; *and provided further*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged. For arresting prisoner and bringing him into court, one dollar. For summoning a jury, one dollar and fifty cents. *provided*, that the board of supervisors may reject all bills presented to

the county by justices of the peace and constables for fees in criminal cases in all cases of proceedings in which the district attorney has not, in writing, authorized the issuance of the warrant of arrest. County officers must, and township officers may, demand the payment of all fees in advance.

19. Jurors' and witness' fees shall be as follows:

JURORS' FEES.

For attending as a juror in the superior court, for each day's attendance, per day, two dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents.

WITNESS' FEES.

For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents. Mileage actually traveled, one way only, per mile, fifteen cents. For each day's attendance upon justice court, when legally required to attend, per day, one dollar. For each mile actually traveled, in going only, fifteen cents. Witnesses in civil cases may demand the payment of their fees and mileage for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

SEC. 3. Section two hundred and sixteen of said act is hereby amended so as to read as follows:

Section 216. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers therein named, either as officers or *ex officio* officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; *provided, however*, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, at the rate five dollars per hundred names of persons returned by him as subject to military duty, as provided in section one

thousand nine hundred and one of the Political Code; *provided, however*, that in counties of the second class the percentage received by the assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which in counties of the other classes is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be retained by him as compensation, and all expenses in collecting the same shall be paid by the county; *and provided further*, that the board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix the price at which such prisoners shall be boarded, if not otherwise provided for in this act; *provided further*, that the sheriff shall be entitled to receive and retain for his own use five dollars per diem for conveying prisoners to and from the state prison, and for conveying persons to and from the insane asylums, or other state institutions; also all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. In any county of this state where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and eighty-seven, or shall hereafter be increased, there must be, and there hereby is, allowed to the sheriff of such county, because of such increase in the number of judges, one additional deputy, to be appointed by the sheriff, for each additional judge elected or appointed; and also there must be, and there hereby is, allowed to the county clerk of such county, because of such increase in the number of judges, one additional deputy to be appointed by the county clerk to act as courtroom clerk, and one additional deputy, to be appointed by the county

clerk, to act as register clerk for each additional judge elected or appointed; *provided*, there must be but one such additional register clerk where two additional judges are elected or appointed; but two such additional register clerks where three or more additional judges are elected or appointed, *provided further*, that none of the provisions heretofore made in this act, relative to additional deputies for sheriffs and county clerks because of the election or appointment of additional judges, shall apply to counties of the eight and one-half class. The compensation to be paid all deputy sheriffs and deputy clerks hereunder, shall be one hundred and twenty-five dollars per month, and the same shall be paid monthly out of the county treasury of such county, in the same manner and at the same time other county officers are paid; *provided*, that in counties of the second class the compensation of such deputy sheriffs hereunder shall be three dollars per day; *provided*, that the per diem allowed to sheriffs by this section for taking persons and prisoners to and from the insane asylums and state prisons, and other state institutions, shall be a state charge, and payable out of the state treasury, upon the warrants of the controller, after having been audited by the state board of examiners or auditors.

SEC. 4. This act shall take effect and be in force from and after its passage.

An act providing in counties of the first class for the appointment by the coroner of a competent physician for the performance of autopsies upon the bodies of deceased persons when inquests are held, and fixing the compensation therefor.

[Approved March 14, 1895.

SECTION 1. In counties of the first class, the coroner shall appoint a competent physician, whose duties it shall be to perform autopsies upon the bodies of all deceased persons when inquests are held. Such physician shall, after the performance of such autopsy, certify in writing his professional opinion as to the cause of death, which certificate shall be filed with said coroner.

SEC. 2. The physician so appointed shall receive as compensation for his said services the sum of twenty-four

hundred dollars per annum, which shall be paid out of the general fund of the county in monthly installments of two hundred dollars, at the same time and in the same manner as county officers are paid.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act to provide an official stenographic reporter to the coroner of each county, or city and county, having one hundred thousand or more inhabitants, and providing the mode in which such reporter shall be appointed, and establishing the compensation and prescribing the duties of such reporter.

[Approved March 26, 1895.]

SECTION 1. It shall be lawful for the coroner of every county, or city and county, of this state, having one hundred thousand or more inhabitants, to select and appoint an official stenographic reporter, such reporter to hold office during the pleasure of the coroner making the appointment.

SEC. 2. The said official reporter shall be allowed and shall receive compensation as follows. One hundred and fifty dollars per month.

SEC. 3. It shall be the duty of said reporter to attend all inquests held by the coroner of the said county, or city and county, and report in shorthand all testimony of witnesses, and all the proceedings of said inquests, and to transcribe the same into legible longhand and furnish two typewritten copies thereof, and shall certify the same, and file one of the copies with the said coroner and the other copy with the clerk of the said county, or city and county. He shall also, within a reasonable time after such testimony is taken, file with the said clerk the shorthand notes taken by him at each inquest.

SEC. 4. The said official reporter shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office.

SEC. 5. Any report of the said official reporter duly appointed and sworn, when written out in longhand writing and certified by him as being a correct transcript of the testimony and proceedings in the case, shall be *prima*

facie a correct statement of such testimony and proceedings.

SEC. 6. The salary of said reporter shall be audited and paid monthly out of the general fund of the said county, or city and county.

SEC. 7. This act shall take effect from and after its passage.

An act providing for a general primary election in counties of certain classes within the state of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof.

[Approved March 27, 1895.]

SECTION 1. The primary elections for delegates to constitute the various respective political conventions for the nomination of candidates for public office shall hereafter be held in this state under and pursuant to this act. A convention to nominate candidates to be voted for by the electors of the entire state shall be known as a "state convention." Conventions to nominate members of Congress, of the board of equalization, or railroad commissioners shall be known as "district conventions." All other conventions shall be known as "local conventions."

A general primary election for the election of delegates to the state and various local and district conventions in the year eighteen hundred and ninety-six, and every two years thereafter, shall be held on the second Tuesday in the month of July in that year. The day for holding such primary shall be a legal holiday, and the governor of this state shall issue a proclamation to that effect in accordance with this act.

SEC. 2. All political parties or organizations of electors, desiring to hold a convention or conventions for the purpose of nominating candidates for public office, to be voted for at the ensuing general election, must petition the board of election commissioners of the county or city and county, in writing, at least thirty days before the day for such general primary election, which petition must set forth:

First—The names by which such political party or organization is known, or desires to be known.

Second—That such political party or organization is desirous of and intends to hold a convention, or conventions, of delegates representing said party or organization—designating the time and place of holding any such convention, or conventions—for the purpose of nominating candidates for offices to be voted for by the people of the state or county, or city and county, or both, at the next ensuing general election, and is desirous of electing delegates to such convention, or conventions, to be held for that purpose, under the provisions of this act, and requesting that the board of election commissioners of the county, city or county, perform the services hereinafter prescribed in this act.

If such political party is one which by reason of its previous vote is entitled to hold a convention defined by sections eleven hundred and eighty-six and eleven hundred and eighty-seven of the Political Code, such petition must be authenticated by the signature of the chairman and secretary of its state committee, selected at its last state convention of such party, verified by the oath of such signers that the facts therein stated are true, and that the said signers are the chairman and secretary of said committee. No political party or organization can use the name of another political party or organization, or any name or designation so similar to another party name that it may deceive voters.

SEC. 3. Any political party or political organization which, at the last election preceding the filing of such application, shall not have polled at least three per cent of the entire vote cast in the political division for which nominations are sought to be made, may file with the election commissioners of the county, or city and county, in which such general primary election is to be held, a petition signed by at least three per cent of the voters of the political division for which nominations are sought to be made, which need not all be on one paper; which petition shall set out all the facts required to be set forth in the application in this act provided for; and such petition must be verified in the same manner as required for a cer-

tificate of nomination mentioned in section eleven hundred and eighty-eight of the Political Code. Upon the filing of such petition, the election commissioners of the county, or city and county, in which said primary election is to be held, shall order its clerk to issue to said political organization a certificate similar to that in this act provided to be issued to existing political parties, which certificate shall entitle the petitioners to participate in the said general primary election, and shall entitle them to all privileges and rights secured and granted to other political parties heretofore existing, both at said primary election and at the ensuing general election; that is to say, having complied with all the requirements in this act provided, the petitioners shall be recognized as a political party or organization. Such certificate shall be issued to all parties petitioning, stating the name of the party, the date of the primary, the territory over which it will extend, and be signed by the clerk of such board.

SEC. 4. During the month of January of each year in which a general election is to be held, it shall be the duty of the board of election commissioners of each county, and city, and city and county to select from the last assessment-roll of the county, or city, or city and county, the names of not less than thirty electors residing in each election precinct of such county, or city, or city and county; such selection to be made from each of the political parties then existing, in as nearly an equal proportion as practicable; and to write the name of each person so selected on a separate piece of paper, and to fold said paper so that the name written thereon cannot be seen or read without unfolding the same; and when the names are so written and folded to put all of the names so selected from each separate election precinct in an envelope, then to close and securely seal such envelope, and to write the name and number of the precinct from which such selection was made on the outside of such envelope, and when the names so selected from each election precinct in such county, or city, or city and county, shall have been so placed in separate precinct envelopes, and each sealed and numbered so as to designate the precinct from which each selection was so made, then all of the said envelopes so

marked and sealed shall be placed in a box, to be provided by each board of election commissioners for that purpose, and such box shall then be securely locked and sealed, and safely kept by said board of election commissioners until required by them for use as hereinafter provided. The names so selected shall be forthwith recorded in a book for that purpose by the clerk of the board of election commissioners, which book must be kept open at all times to public inspection, and the said clerk shall also publish said names once in some paper of general circulation in the county, or city and county, within ten days after the names are so selected.

SEC. 5. Twenty days before the holding of such primary election the said board of election commissioners shall open the said box in the presence of a majority of said board, and in the presence of each of the members of the various political parties as may be present to witness the same, and shall then take from said box the said envelopes, one at a time, and as each envelope is taken from the box it shall be opened and the names therein contained, without being unfolded, shall be placed in a separate box suitable for the purpose; and, after being thoroughly shaken, the clerk of said board, in the presence of the board, shall draw from said box the name of one person, who shall be the inspector of the primary election in such precinct; said clerk shall then draw from said box the names of two persons, who shall be the judges of such primary election in said precinct; and the names of two other persons shall be drawn in like manner, who shall be the clerks of such primary election; *provided*, that if the persons whose names are drawn for judges and for clerks shall both belong to one political party the clerk of said board shall lay aside the last name drawn for judges, and also for clerks, and draw other names from such box until only one judge and one clerk who belong to the same political party are selected; and the same course shall be pursued in each precinct until the election officers are selected in each precinct in such county, or city, or city and county. Should all the names be drawn from said box and not a sufficient number of election officers be selected, the said board of elec-

tion commissioners must select and deposit more names in the box, and continue to draw therefrom until all the election officers are selected; *provided*, that such subsequent selection shall be made from the electors of the precinct in the same manner as those first selected, as provided for in section four of this act.

SEC. 6. It shall be the duty of the clerk of the board of election commissioners to publish in some newspaper published in the county, of general circulation, as soon as they are selected, the names of the persons so selected, with the names of the precincts in which they severally are to serve, and the locations of the polling places. He shall also send a communication to each person so chosen, through the mail, by registered letter, postage paid to his postoffice address, informing him of his selection, and of the precinct, and the capacity in which he is to serve.

SEC. 7. It shall be the duty of every person so chosen to act as such election officer at such a general primary election, to perform the services required of him in such capacity, and any person so chosen to act who shall, without having been excused therefrom by the board of election commissioners for sickness of self or family or other good cause, fail or refuse to act in the capacity for which he is chosen, shall be deemed guilty of a misdemeanor; and in case he is so excused the clerk, in the presence of the board, shall select another person from said box to serve in his place. It shall be the duty of each of the persons so chosen to appear at the polling places in the precinct for which he is chosen, before the time of opening the polls, and there take the oath of office, as prescribed in the general election law, and perform the duties imposed upon him by the provisions of this act. But in case of the failure of any of the election officers so selected to appear at the time the polls should be opened, or within ten minutes thereafter, the election officers present must choose some resident elector of the precinct to fill the vacancy. All persons serving as officers of election at a primary election held under the provisions of this act, shall be exempt from jury duty for the term of one year thereafter, and such person shall receive from the board of election commissioners of the county,

or city, or city and county, in which such service is rendered, a certificate, setting forth the fact of such service as an officer of a primary election, stating the time of service; and such certificate, on being presented to a court in which such election officer has been summoned to appear as a juror, shall be deemed sufficient to excuse the person named therein from service as a juror at any time within one year from the date of service named in such certificate.

SEC. 8. It shall be the duty of the board of election commissioners of the county, or city and county, to furnish ballot-boxes for each precinct where such primary is to be held, of the kind and character which were required to be used at the general election held in this state in the year eighteen hundred and ninety, and there must be furnished as many separate ballot-boxes at each precinct as there are parties or organizations entitled by law to participate in such primary. Each such ballot-box must have, in distinct letters and words, upon the front of such box, the name of the respective political party or organization for whose use it is intended. All the ballot-boxes must be placed in a row, side by side, fronting so that the front of each box shall be in the same direction, and be where the voters can easily approach such boxes and present their ballots, and the said party named on each box must be on the front of each, so as to be easily seen and distinguished by any voter within six feet of such box. Every person desiring to vote at such primary must deposit one ballot only, upon which must be the names of all delegates for whom he desires to vote; and it shall be the duty of the clerk of the board of election commissioners of the county, or city and county, in which said general primary election is to be held, to designate in the certificate which is in this act provided to be furnished to political parties, the color of the paper upon which the ballots are to be printed, and there shall be so designated for each political party participating in said general primary election, a color to be by them used for the paper upon which such ballots are to be printed, which color shall be in each case distinctive and easily distinguishable from the color to be used at said primary election by any

other political party; and the name or designation of each political party must be plainly written or printed at the head of each ticket. The election officers shall stand behind the ballot-boxes, and as each voter approaches to vote, when it is ascertained that he is entitled to vote, he shall be asked by the proper election officer in what box he desires to cast his ballot, and when the voter has declared the fact, it shall be noted in the register by the clerk in which box he votes, by writing in the register opposite his name the name on the box in which he votes, and thereupon his ballot shall be received by the judge of election or inspector and deposited in the box named by such voter, and in no other, in the presence of the voter.

SEC. 9. There shall be as many polling places for the purpose of such general primary election as are provided for at a general election; that is, a polling place in each precinct; and each political party may file with the board of election commissioners a list of the precincts and number and name of street or locality in town, or township, where they want such polling places, and it shall be the duty of the board of election commissioners to examine said lists and decide which polling places will be the most convenient for the voters of the precinct. The polls shall be kept open from nine o'clock A. M. to sunset on the day of holding said primary election, and shall be at all times kept open to the public during the reception of ballots, and until the same are counted and the results declared. There must be furnished, by the board of election commissioners, to the election officers in each precinct, for use at such primary election, a register containing the names of each person entitled to vote in such precinct at the last preceding general election, as shown by the Great or Precinct Register, or both. Before receiving any ballots the election officers must, in the presence of any persons assembled at the polling place, open, and exhibit, and close the ballot-boxes, and thereafter neither of them must be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must either box be opened until after the polls are finally closed. Before the election officers receive any ballots they must cause it to be proclaimed aloud at

the place of such primary election that the polls are open; and when the polls are closed that fact must be proclaimed aloud at the place of such election, and after such proclamation no ballots must be received. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open. The ballots must be so folded when deposited that no person can see any name printed or written thereon. As soon as the polls are finally closed, the election officers must immediately proceed to count and canvass the votes given at such primary election. The canvass must be public, in the presence of the bystanders, and every political party shall be entitled to have at least two representatives present. The canvass must be continued without adjournment until completed, and the result thereof is declared; but one box shall be opened and canvassed at the same time, and no other box shall be opened until such box being canvassed is completed, and the result written out and certified and declared. Except as herein otherwise provided, said votes shall be counted, canvassed, listed, strung, numbered, tallied, in the same manner required by law for the counting, canvassing, listing, stringing, numbering, and tallying of votes at a general election for public officers, and the tally lists, ballots, and registers must be signed, certified, made up, sealed, delivered, preserved, and kept in the same manner as required by law at a general election for public officers.

SEC. 10. When the counting of the ballots is completed the election officers in each such precinct shall officially declare the result, and shall furnish to the candidates having received a plurality of all the votes cast in such precincts for delegates to each political party to the county or district conventions, when a delegate is to represent a precinct, a certificate, which certificate shall be signed by all of the precinct election officers, and be delivered by them to the successful candidate; and such certificate, when so delivered, shall be the only credential required of any delegate to the party convention to which he was elected. They shall canvass the votes of all delegates to the state convention, and when it requires more votes to elect than

those of one precinct, they shall certify the result of the ballot in such precinct to the clerk of the board of election commissioners, and shall seal up the ballots cast in such precinct and the poll lists, and on the outside of the envelope so sealed the election officers of each precinct shall write and sign a certificate to the effect that it contains all the ballots cast in such precinct and the poll lists kept by the clerks. They shall also, in a separate envelope, send a certificate of the number of votes cast for each delegate to the state convention, and to the county convention, when it takes the votes of more than one precinct to elect a delegate, and said county clerk shall safely keep such ballots and poll lists until the adjournment of all political conventions in that year, when he shall destroy the same. In case it requires more votes than is cast in one precinct to elect a delegate to the county or state convention, the clerk shall canvass the votes of the precincts voting for such delegates, as returned by the precinct officers, and issue a certificate of election to the several persons receiving a plurality of the votes of his party in such precincts as are within the county.

SEC. 11. The governing body in the county of each political party taking part in such primary election may furnish to the board of election commissioners, prior to or at the time of the selection by the said board of the election officers, the name of an elector in each precinct whom such party is desirous to have appointed as general challenger for such party. It shall be the duty of such board of election commissioners, finding that the person named is a resident of such precinct, and that his name appears on the last precinct register of said precinct, to appoint such person as such challenger, and cause a certificate to that effect, under its seal, to issue to such person, which the said clerk shall transmit to such person, in the same manner as provided in this act for transmitting the certificates to the election officers. At any time after that, and as soon as the third day before the election, any body of resident voters of any precinct, not less than the number of delegates of said party to be elected in said precinct, may file a petition with the board of commissioners, setting forth that it is their intention to run as candidates at

such primary election, and requesting the appointment of some person as a special challenger to act on their behalf, and naming such person. It shall thereupon be the duty of said board to ascertain if such person has the qualifications hereinbefore provided, and if so, to appoint such person, and cause a like certificate to be issued to him. Such challengers shall act without compensation when so appointed, and shall be sworn, the same as an election officer, and shall have power to challenge the vote of any person by him believed to be voting unlawfully, upon any ground mentioned in the general election law; and such challengers, during the progress of any such primary election, shall be vested with all the powers of a peace officer; he shall have free access to such polling place during the election and the counting of the ballots

SEC. 12. Any person, who, at any such primary election, shall vote illegally or attempt so to vote, shall be subject to the same punishment as provided by law in case of such voting or attempting to vote at the general election in this state. No person shall be allowed to vote whose name did not appear upon the Great or the Precinct Register of the county, in the precinct in which he desires to vote, at the last general election, as a person entitled to vote in such precinct If the election officers at such primary election shall knowingly permit any person to vote after being challenged, who shows, by his examination, that he is not entitled to vote, they shall be guilty of a felony, and upon conviction thereof be imprisoned in state's prison not less that one nor more than five years.

SEC. 13. The primary elections for all political parties or organizations within the state shall be held at the same time under the provisions of this act. Each political party or organization may determine for itself how many district conventions it will hold for nominating its various candidates; *provided*, all candidates which are to be elected within a given territory must be nominated in the same convention. Delegates to a state convention may, at the option of a party, divide themselves into district conventions to nominate members of Congress, of the board of equalization, and railroad commissioners, respectively, or

any party may, at its option, select separate delegates to compose any or all such district conventions.

The delegates to a county, or city and county convention must nominate all the candidates which it desires to name for a county or city and county office, in such county or city and county, and any party may at its option nominate candidates for state senator, or assemblyman, or supervisors, or justices of the peace, or constable, who are to be voted for in such county, or city and county, or in any part of such county, or city and county; or any party may at its option elect separate delegates to compose any senatorial, assembly, or other local convention. Where any assembly or senatorial district is composed of more than one county, any political party may select separate delegates to a separate convention, to nominate such assemblyman or senator, or it may, at its option, in any county convention select joint delegates to meet joint delegates from any other part of such senatorial or assembly district to compose a convention to nominate such assemblyman or state senator.

Every party shall cause to be printed or written upon the ballots used by it in the general primary election, the different sets of delegates it desires to choose at such primary, and each set of delegates must be separated distinctly from every other set named on the ballot, and over each separate set of delegates must be printed or written the designation of the convention to which the delegates named in such set are selected.

The tickets shall be substantially in the following form —varied to suit each case:

REPUBLICAN PRIMARY TICKET.

Delegates to state convention	Vote for ——
1 John Doe.	
2 Richard Roe.	
3 James Black.	
4 Philip Ross.	

Delegates to railroad district convention, —— district.	Vote for —
1 John Doe.	

2 Richard Roe,
3 James Black,
4 Philip Ross.

Delegates to equalization district convention.
Vote for ——

1 John Doe,
2 Richard Roe,
3 James Black,
4 Philip Ross.

Delegates to congressional district convention for —— congressional district. Vote for ——

1 John Doe,
2 Richard Roe,
3 James Black,
4 Philip Ross.

Delegates to county convention for —— county.
Vote for ——

1 John Doe,
2 Richard Roe,
3 James Black.

Delegates to state senatorial convention for —— senatorial district. Vote for ——

1 John Doe,
2 Richard Roe,
3 James Black,

Delegates to assembly convention for —— assembly district. Vote for ——

1 John Doe,
2 Richard Roe,
3 James Black.

The names of each proposed delegate in each set shall be numbered consecutively, and opposite each set of delegates shall be expressed the number to be voted for in

each set. If there is any delegate written or printed for whom any voter does not desire to vote, or if there be more names in any set than is to be selected, the voter may erase any name by drawing a line through such name with ink, and not otherwise. If any set of delegates contain more names, not erased, than is allowed by law, such ticket cannot be counted as to each set, but must be counted as to any other set correctly voted for.

SEC. 14. At a general primary election held for the purpose of electing delegates to a convention, other than a state convention, there shall be elected not less than one delegate for each party convention for each two hundred votes, and each fraction of one hundred or more cast in such precinct at the last general election; *provided*, that no convention shall be illegal for lack of the election of a delegate or delegates in any precinct. In selecting delegates for a state convention each political party or organization shall determine how many delegates it will choose from each county, city and county, in the state, and name the number in their petition, and the persons receiving the highest vote for each party shall be determined by canvassing the vote in the various precincts as provided in section ten of this act.

SEC. 15. At any time in any county, city and county, city, or township, or in any assembly district or political division within this state, or any precinct therein, in which a general primary election is held for the election of delegates to a convention, any voter entitled to vote at such primary election may be a candidate for election as delegate to any party convention to represent the precinct or district in which he is a voter.

SEC. 16. As soon as the returns are received by the county clerk, he shall canvass the same and issue a certificate of election for the different state convention to the different persons receiving a plurality of the votes cast for such delegates.

SEC. 17. The ballot to be used at such general primary election shall be of uniform size, twelve inches in length and six inches in width.

SEC. 18. It shall be the duty of the board of supervisors of each county within the state of California

propriate from the general funds of the county a sufficient sum of money to pay all necessary expenses of holding any such primary elections within such county; and it shall be the duty of the auditor of each county within the state of California to draw upon such appropriated funds his several warrants for the payment of all expenses of such primary election as the same shall be certified to him by the county clerk; such expenses shall consist only of the payment for the box in which to keep the names selected, for polling places, election officers, for printing, for advertising, for stationery, ballot-boxes, and postage stamps, and tally sheets. The several political parties shall furnish their own ballots.

SEC. 19. If in any city or county there shall not be by law any board of election commissioners, then all duties enjoined herein upon a board of election commissioners shall be enjoined upon and performed by the common council or trustees of a city or the board of supervisors of a county; and all duties enjoined upon the clerk of a board of election commissioners, where there is no such board in any city or county, are enjoined upon and shall be performed by the clerk of a city or by a county clerk, as the case may be, as fully and with equal force and effect as if specifically set forth in this act.

SEC. 20. Any act denounced as an offense by the general laws concerning elections of this state shall also be an offense in all primary elections, and in all matters relating thereto, antecedent or subsequent, and shall be punished in the same form and with like penalties as is prescribed for the punishment of similar offenses against the general election laws; and all the provisions and penalties provided by law shall apply in all cases connected with primary elections with equal force, and shall be as effective as if specifically set out in this act.

SEC. 21. No candidate can have his name printed upon any ballot, to be voted for as a candidate for public office at any general election in this state, unless he shall have been nominated by a convention composed of delegates chosen as provided by this act; *provided, however*, that nothing in this act shall prevent any candidate or candidates from being nominated as provided by section eleven

hundred and eighty-eight of the Political Code; but such nominees can have no other designation upon a ballot than the word "Independent."

SEC. 22. No ticket or ballot must on the day of election be given or delivered to or received by any person except the inspector, or a judge acting as inspector, within one hundred feet of the polling place. No person must on the day of election fold any ticket or unfold any ballot which he intends to use in voting, within one hundred feet of the polling place, exhibit to another in any manner, by which the contents thereof may become known, any ticket or ballot which he intends to use in voting. No person must on the day of the election, within one hundred feet of the polling place, exhibit to another in any manner by which the contents thereof may become known, any ticket or ballot which he intends to use in voting. No person must on the day of election, within one hundred feet of the polling place, request another person to exhibit or disclose the contents of any ticket or ballot which such other persons intend to use in voting.

SEC. 23. No polling place shall be held in any saloon where malt, vinous, or spirituous liquors are sold, or in any room leading from or in any manner connected with such saloon.

SEC. 24. Immediately upon making out the credentials of any delegates elected under this law, the clerk charged with signing such credentials shall mail to the secretary of each political party or organization which participated in the primary, a complete list of all delegates to whom credentials shall have been given, and said clerk must, in a proper book to be by him kept, record the names of all delegates elected, with the vote received by each, specifying those to whom credentials have been given, stating when and where such credentials were mailed; and if any delegate entitled to credentials shall not have received his credentials, or have lost the same, said clerk must, upon request, issue a new credential to such delegate, which must be stamped "Duplicate."

SEC. 25. In years when by law electors of president and vice-president are to be voted for, a state convention, to select delegates to a national convention, to select

candidates for elector of president and vice-president, and at its option to divide itself into a district convention, or district conventions, to nominate candidates for Congress or other district nominees, shall be composed of delegates selected pursuant to this act at a general primary for such purpose, to be held upon the last Tuesday of March in each such year; *provided*, that in all counties which cast less than nine thousand votes for governor at the last preceding general election any political party or organization entitled to participate in such a state convention shall not be bound to proceed under this act, but may select delegates to such a state convention in the manner any such party or organization may respectively determine in any such last-mentioned county.

SEC. 26. This act shall apply to, take effect in, and be in force only in counties of the first and second classes.

SEC. 27. Within thirty days after the passage of this act the secretary of state shall cause ten thousand copies of this act to be printed in pamphlet form for free distribution.

SEC. 28. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 29. This act shall take effect immediately.

An act to establish the fees of county, township, and other officers, and of jurors and witnesses in this state.

[Approved March 28, 1895.]

SECTION 1. The following county, township, and other officers shall charge and collect the following fees:

COUNTY CLERK.

On the commencement of any action or proceeding in the superior court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner, *provided*, that at the time of filing the inventory and appraisement in any such proceeding there shall be an additional deposit of one dollar for each additional thousand dollars of the appraised valuation, in excess of three thousand dollars.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, excepting a probate proceeding, or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, to and including the making up of the judgment-roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this act becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

For filing each claim in probate or insolvency proceedings, fifteen cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees.

For issuing marriage license, one-half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, one dollar.

For filing and indexing certificates of copartnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds, and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage licenses, one dollar.

For examining and certifying to a copy of any paper, record, or proceeding prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents.

For receiving and filing remittitur from supreme court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal and appeal bonds, each, twenty-five cents.

SHERIFF.

For serving any process, writ, order, or paper, except as hereinafter provided, required by law to be served by the sheriff, fifty cents.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment

or execution, such sum as the court may fix; *provided*, that no greater sum than two dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, one dollar and fifty cents.

For subpœnaing witness, including copy of subpœna, each, twenty-five cents.

For summoning trial jury of twelve or less, two dollars.

For each additional juror, ten cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one-half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

RECORDER.

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or encumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording each map or plat where the same is not copied in a book of record, fifty cents.

For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

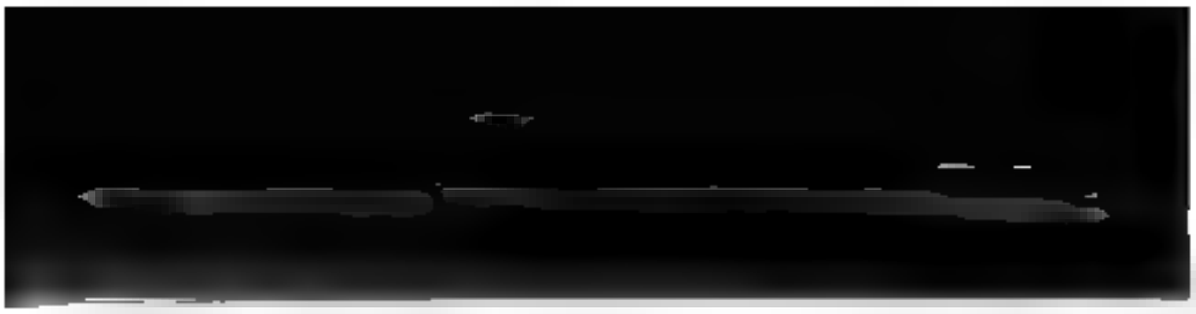
For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff, and recorder shall account for all fees in this section provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the county treasurer on the first Monday of the month following their collection, as provided in this act.

CONSTABLES AND MARSHALS.

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service when made by him, twenty-five cents.



For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint, and subpœnas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, or subpœnas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice for publication, twenty-five cents.

For serving subpœnas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that no mileage shall be charged for a warrant of arrest

or criminal process served outside of his township, except such service be approved in writing by the district attorney of the county; *and provided further*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged; *provided*, that in criminal cases he shall not receive more than one hundred dollars in any one month, and not more than one thousand dollars in any one year.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of such transportation.

Provided, that the board of supervisors may reject all bills presented to the county by justices of the peace and constables for fees in criminal cases in all cases of proceedings in which the district attorney has not, in writing, approved the issuance of the warrant of arrest.

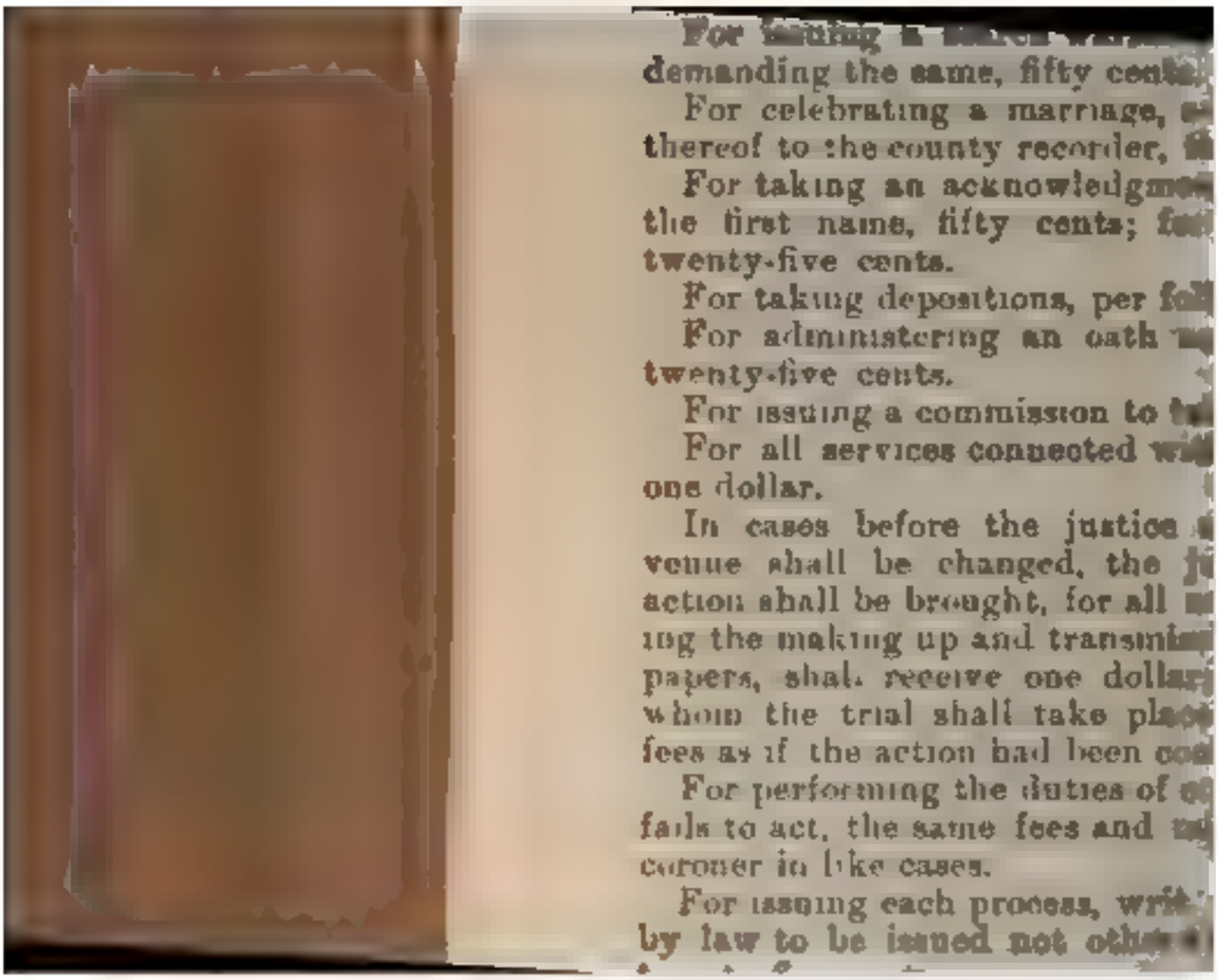
County officers must, and township officers may, demand the payment of all fees in civil cases, in advance.

JUSTICES OF THE PEACE.

Justices of the peace may, for their own use, collect the following fees, and no others:

Each justice of the peace shall be allowed, in a civil action before him, for all services to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; *provided, however*, that no more than the sum of seventy-five dol-



For taking a [illegible] demanding the same, fifty cents.

For celebrating a marriage, [illegible] thereof to the county recorder, [illegible]

For taking an acknowledgment [illegible] the first name, fifty cents; for [illegible] twenty-five cents.

For taking depositions, per folio [illegible]

For administering an oath [illegible] twenty-five cents.

For issuing a commission to take [illegible]

For all services connected with [illegible] one dollar.

In cases before the justice [illegible] venue shall be changed, the justice [illegible] action shall be brought, for all services [illegible] ing the making up and transmitting [illegible] papers, shall receive one dollar [illegible] whom the trial shall take place [illegible] fees as if the action had been commenced [illegible]

For performing the duties of constable [illegible] fails to act, the same fees and mileage [illegible] coroner in like cases.

For issuing each process, writ [illegible] by law to be issued not otherwise [illegible]

JURORS' FEES.

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice's court, for each juror sworn to try the cause, per day, in civil cases only, two dollars.

For each mile actually traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made in going only, per mile, fifteen cents.

WITNESS' FEES.

For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars in civil cases, and one dollar and fifty cents in criminal cases.

Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that in criminal cases, such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpenaed.

For each day's attendance upon justice court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled in civil cases only, in justice's court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

CORONER.

Coroners may, for their own use, collect the following fees, and no others:

For general services in holding an inquest, ten dollars.

For each witness subpœnaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars, which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

PUBLIC ADMINISTRATOR.

The public administrator shall charge and collect such fees as are now or may hereafter be allowed by law.

COUNTY SURVEYOR.

The county surveyor shall charge and collect such fees as are now or may hereafter be allowed by law

SEC. 2. No fees or other compensation shall be paid for certificate of declaration to become a citizen of the United States, and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof, and no fees or other compensation shall be paid for filing the statement and affidavit of a committee or candidate voted for at any public election held within the state, and this section shall apply to all the counties in this state.

SEC. 3. All acts or portions of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect immediately.

An act to amend an act entitled "An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal so much of an act entitled 'An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state,' approved March 20, 1891, and amended by an act approved March 23, 1893, amending section eight, and adding a new section thereto.

[Approved February 18, 1895.]

SECTION 1. Section eight of said act is hereby amended so as to read as follows:

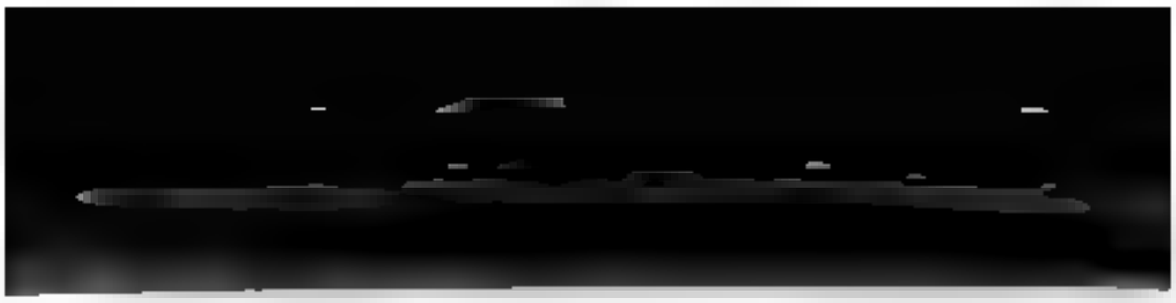
Section 8. Each association so formed and organized is hereby declared, and shall be recognized, a state institu-

tion, and the board so appointed and qualified shall have the exclusive control and management of such institution, for and in the name of the state, and shall have the possession and care of all the property of the association, and shall fix the terms of office and the bonds of the secretary and treasurer, and determine their salaries and duties. They shall have the power to make all necessary by laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; *provided*, that no district fair shall be held in any of the districts during the same period that the state fair is held, and that the state shall in no event be liable for any premium offered, or award made, or for any debt contracted by any district board of agriculture or agricultural association; *and provided further*, that nothing in this section shall be so construed as in any way to affect or modify any of the provisions of section ten and one-half of this act.

SEC. 2. A new section is hereby added to said act reading as follows:

Section 10½. Every such association organized and existing under the laws of the state, and which has heretofore issued certificates alleged to be certificates of the capital stock of such association, and which certificates last mentioned have been accepted by the members of such association in lieu of certificates of membership therein, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner, and with like effect as corporations formed under the provisions of chapter one, article one, of the Civil Code, relating to the formation of corporations.

In order to effect such change, a meeting of the holders of such alleged certificates of capital stock may be called, at which the holders of such alleged stock shall be entitled to one vote for each share of such stock appearing in their names, respectively, upon the books of such association. Upon the receipt of a written application, signed by the



holders of one-fourth of the shares of such alleged capital stock of such association, requesting him so to do, the secretary of such association shall give notice of the time and place of holding such meeting, by publication in some newspaper printed and published in such county, or city and county, in which the principal place of business of such association is located, at least once a week for three successive weeks next prior to the holding thereof. Such notice shall state that the object of the meeting is (1) to determine whether such corporation elects to have a capital stock as provided by this act, (2) the amount of such capital stock, and (3) the number of shares into which the same shall be divided. At such meeting, should the holders of a majority of the shares of such alleged capital stock vote in favor of having a capital stock, and fix the amount thereof, and the number of shares into which it shall be divided, then such corporation shall issue certificates of capital stock to the amount fixed at such meeting, divided into the number of shares provided by said meeting, to the holders of such alleged capital stock, in the same proportion as such alleged stock appears in the names of such holders, respectively, upon the books of such association.

A copy of the notice calling such meeting, the affidavit of publication thereof, the proceedings of such meeting, the amount of capital stock voted, number of shares into which the capital stock was divided, and to whom assigned, duly certified by the chairman of such meeting and the secretary of such association, under the seal thereof, must be filed with the secretary of state and the clerk of the county where such association has its principal place of business. Thereafter such association shall be possessed of all rights and powers, and shall be subject to all the obligations and restrictions, as if it had been originally created a corporation with a capital stock, including the right to elect a board of directors authorized to exercise such control of all the property of such association, as provided in chapters one, two, three, and four of the Civil Code, relating to corporations; *provided*, such association shall have no authority to sell any portion of

the real estate owned and held by it, by whatever title derived, which may be necessary for the permanent use of such association, for the purposes aforesaid; *and provided further*, that in the event that such association, after the issuance of a capital stock as aforesaid, shall be offered aid at any time from the state by appropriation, for the purpose of holding an annual district fair, and such association, by a vote of the board of directors, elected as hereinafter provided, adopts a resolution accepting such appropriation, then and in that event said annual fair shall be held under the control and management of the district board of agriculture of such district, but said district board of agriculture shall have no other authority, control, or management of or over the property of such association, and the authority which it may exercise over said property shall continue only during the time occupied in holding the said district fair, which time shall not extend over more than one week annually.

When any corporation has elected to issue capital stock under this act, the president thereof shall, within ten days after filing with the secretary of state of the certificate hereinbefore provided, call a meeting of the stockholders of such corporation, for the purpose of electing a board of directors of such corporation, which board of directors shall hold their office until their successors are elected and qualified, and thereafter a board of directors of such corporation shall be elected annually, on the day of the month upon which the election of said first board of directors elected as aforesaid is held, unless a different day for holding such election is fixed by the board of directors of such corporation, by its by-laws, properly adopted.

SEC. 3. So much of an act entitled "An act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the state," approved April fifteenth, eighteen hundred and eighty, and of the several acts amendatory thereof, and as are in conflict herewith, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

An act to amend an act entitled "An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal so much of an act entitled 'An act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the state,' approved March 20, 1891, by amending sections one, eleven, and twelve," approved March 23, 1893, by amending section one thereof.

[Approved March 26, 1895.]

SECTION 1. Section one of said act is hereby amended to read as follows:

Section 1. The several counties of this state are divided and classified into agricultural districts, and numbered as follows, to wit:

The counties of San Francisco and Alameda shall constitute agricultural district number one.

The county of San Joaquin shall constitute agricultural district number two.

The county of Butte shall constitute agricultural district number three.

The counties of Sonoma and Marin shall constitute agricultural district number four.

The counties of San Mateo and Santa Clara shall constitute agricultural district number five.

The county of Los Angeles shall constitute agricultural district number six.

The county of Monterey shall constitute agricultural district number seven.

The county of El Dorado shall constitute agricultural district number eight.

The county of Humboldt shall constitute agricultural district number nine.

The counties of Siskiyou and Trinity shall constitute agricultural district number ten.

The county of Plumas shall constitute agricultural district number eleven.

The counties of Lake and Mendocino shall constitute agricultural district number twelve.

The counties of Sutter and Yuba shall constitute agricultural district number thirteen.

The county of Santa Cruz, save and except the part thereof southeast of the line beginning at a point where the Aptos creek empties into the bay of Monterey, and extending directly northeast to the boundary line of Santa Clara county, shall constitute agricultural district number fourteen.

The county of Kern shall constitute agricultural district number fifteen.

The county of San Luis Obispo shall constitute agricultural district number sixteen.

The county of Nevada shall constitute agricultural district number seventeen.

The counties of Mono, Inyo, and Alpine shall constitute agricultural district number eighteen.

All that portion of Santa Barbara county lying east of the Gaviota and south of the Santa Ynez mountains shall constitute agricultural district number nineteen.

The county of Placer shall constitute agricultural district number twenty.

The county of Fresno shall constitute agricultural district number twenty-one.

The county of San Diego shall constitute agricultural district number twenty-two.

The county of Contra Costa shall constitute agricultural district number twenty-three.

All that part of Santa Cruz county southeast of a line beginning at a point where the Aptos creek empties into the bay of Monterey, and extending in a direct line northeast to the boundary line of Santa Clara county, shall constitute agricultural district number twenty-four.

The county of Napa shall constitute agricultural district number twenty-five.

The counties of Sacramento and Amador shall constitute agricultural district number twenty-six.

The county of Shasta shall constitute agricultural district number twenty-seven.

The county of San Bernardino shall constitute agricultural district number twenty-eight.

The county of Tuolumne shall constitute agricultural district number twenty-nine.

The county of Tehama shall constitute agricultural district number thirty.

The county of Ventura shall constitute agricultural district number thirty-one.

The county of Orange shall constitute agricultural district number thirty-two.

The county of San Benito shall constitute agricultural district number thirty-three.

The county of Lassen shall constitute agricultural district number thirty-four.

The counties of Merced and Mariposa shall constitute agricultural district number thirty-five.

The county of Solano shall constitute agricultural district number thirty-six.

All that portion of Santa Barbara county not included in agricultural district number nineteen shall constitute agricultural district number thirty-seven.

The county of Stanislaus shall constitute agricultural district number thirty-eight.

The county of Calaveras shall constitute agricultural district number thirty-nine.

The counties of Yolo and Colusa shall constitute agricultural district number forty.

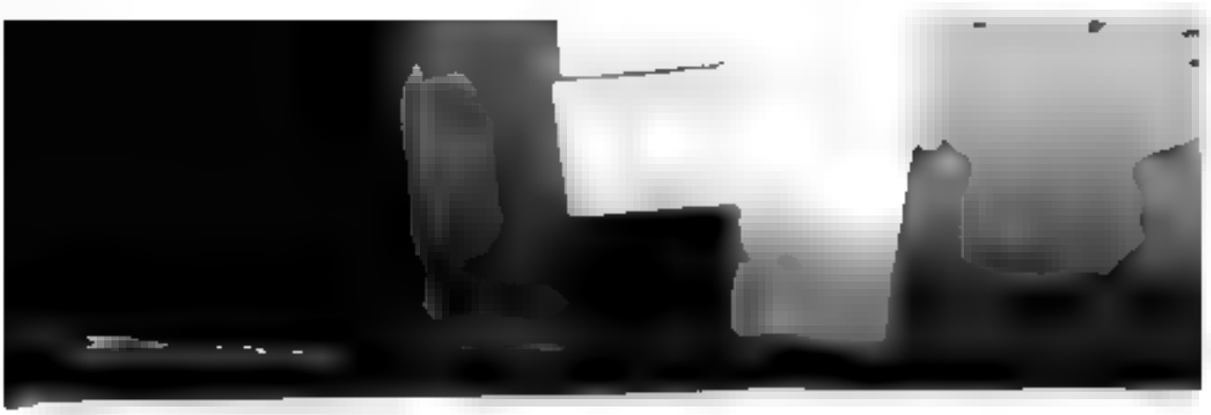
The county of Del Norte shall constitute agricultural district number forty-one.

The county of Glenn shall constitute agricultural district number forty-two.

The county of Tulare shall constitute agricultural district number forty-three.

The county of Modoc shall constitute agricultural district number forty-four.

The county of Sierra shall constitute agricultural district number forty-five.



An act to amend an act entitled "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, amended March 9, 1893.

[Approved March 26, 1895.]

SECTION 1. The title of the above-entitled act is amended to read as follows: "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds, and for empowering sanitary boards to provide in other respects for the good order and welfare of sanitary districts."

SEC. 2. Section five (5) is amended to read as follows:

Section 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct and maintain, and keep clean such sewers and drains as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind

which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town, the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and for the purpose of guarding against the spread of contagious and infectious diseases, and for the isolation of persons and houses affected with such diseases, and for the notification of the other inhabitants of the existence thereof, and all other sanitary regulations not in conflict with the constitution and laws of the state; to make and enforce all necessary and proper regulations for suppressing disorderly and disreputable resorts, and houses of ill-fame within the district, and to determine the qualification of persons authorized to sell liquors at retail, and from and after the passage of this act no license to keep a saloon, or sell liquors at retail, shall take effect or be operative within any sanitary district unless the same be approved by the sanitary board of the district; to impose fines, penalties, and forfeitures for any and all violations of its regulations or orders, and to fix the penalty thereof by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed one month; to call, hold, and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and

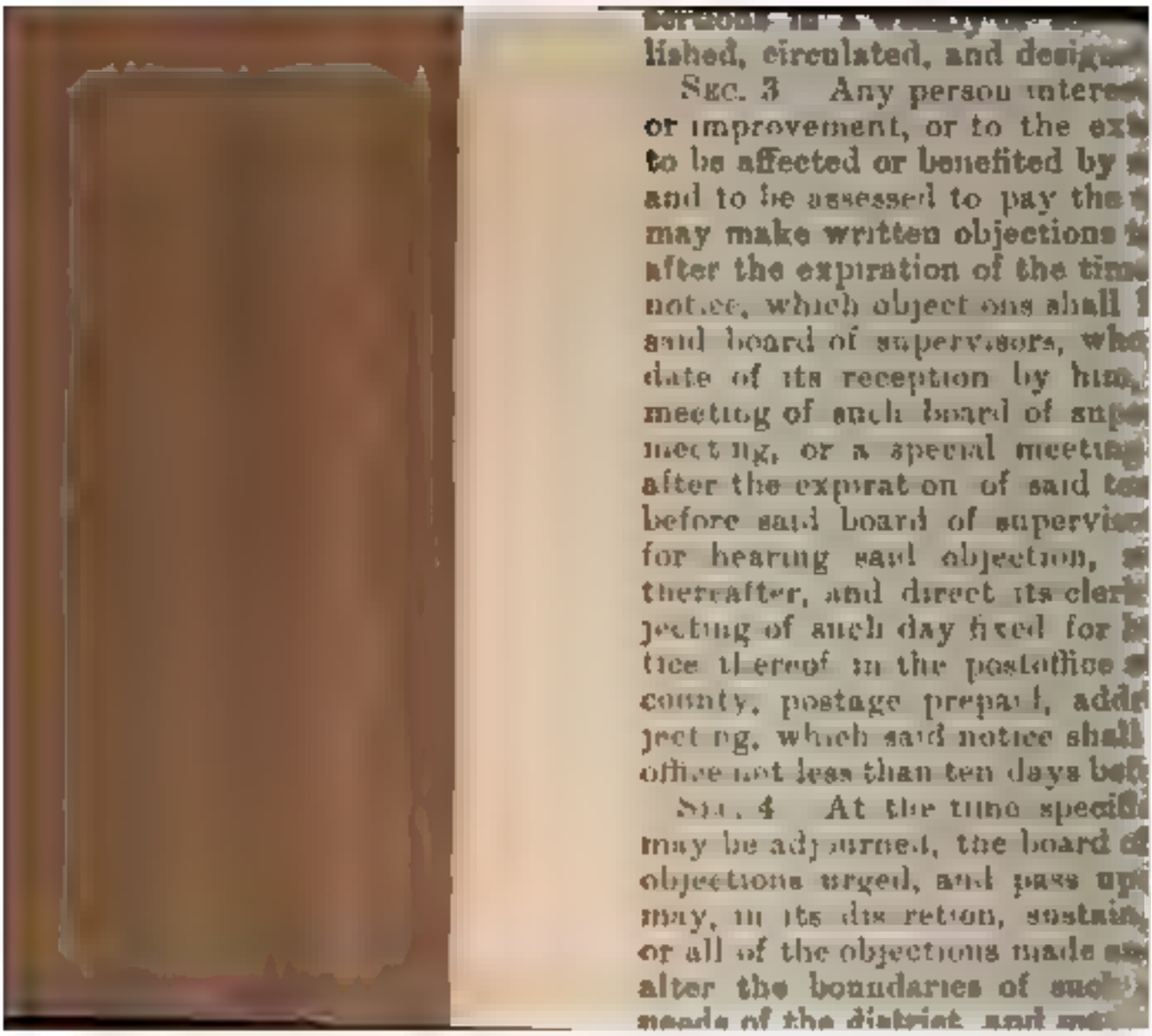
collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers and drains; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purpose for which it was formed.

SEC. 3. This act shall take effect immediately.

An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of unnavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same.

[Approved March 27, 1895.]

SECTION 1. Whenever the board of supervisors of any county in this state may deem it proper to improve and rectify the channel of any unnavigable stream or watercourse within the county, and to prevent the overflow of such stream by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, the board may, upon a petition of ten property holders of the district to be affected by such improvements, pass a resolution signifying its intention to improve such unnavigable stream or watercourse, describing the exterior boundaries of the district of lands to be affected or benefited by such work or improvement, and to be assessed to pay the damages, cost, and expenses thereof, the character of work or improvement contemplated, and the place where the proposed work or improvement is to be done. Such resolution shall also contain a notice, to be published, which notice shall be headed "Notice of intention of the board of supervisors to form a protection district," and shall state the fact of the passage of such resolution, with the date thereof, and briefly, the work or improvement proposed, and the statement that it is proposed to assess all property affected or benefited by such improvement for the expenses thereof, and refer to the resolution for fur-



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name of the district, any real or personal property necessary to properly carry out the purposes of the formation of such district, under the same rules as govern the purchase of property in the name of the county; but no district shall be formed wherein a majority of the property holders within its limits protest in writing against such action.

SEC. 5. The board of supervisors of such county shall also have power to condemn land for the purpose of widening, deepening, or straightening any unnavigable stream flowing through such protection district, and for that purpose all of the provisions of part three, title seven, of the Code of Civil Procedure, are hereby made applicable to the exercise of the right of eminent domain for such purposes, or to any purpose necessary to the needs of such district when formed.

SEC. 6. Having acquired jurisdiction, as provided in section four hereof, the board of supervisors shall cause a survey of said contemplated improvement to be made, or adopt a survey already made; and a map of the survey must be adopted by such board, and thereafter such survey and map shall be the plans to be followed in making such improvements.

SEC. 7. After adopting such survey, the board of supervisors shall appoint three commissioners to assess benefits and damages, to estimate the total cost of making the proposed improvements and performing such proposed work, which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out the said work and improvements. Before entering upon the discharge of their duties as such commissioners, they shall each take and subscribe to an oath to perform the duties of such commission to the best of their abilities, and shall each file, with the clerk of the board of supervisors, a bond to the state of California, in the sum of three thousand dollars, to faithfully perform the duties of his office as such commissioner, which said bond must be approved by the chairman of the board of supervisors. The board of supervisors may, at any time, remove any or all of said commissioners for cause, upon

reasonable notice and hearing, and may fill any vacancies occurring among them from any cause.

SEC. 8. The commissioners shall have all powers necessary and proper to carry out the provisions of this act, and the act of a majority shall be the act of the board.

SEC. 9. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereafter. All claims, as well for the land and improvements taken or damaged as for the charges and expenses, shall be paid as are other claims against the county and upon order of the board of supervisors, and the claims shall be itemized in the same manner as are other claims against the county.

SEC. 10. Said commissioners shall proceed to view the lands embraced within the boundaries of such protection district, and may examine witnesses on oath, to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the estimated amount of the cost of the proposed work or improvements, and the expenses incident thereto, and having determined the same, shall proceed to assess the same upon the lands embraced within the exterior boundaries of such protection district. Such assessment shall be made in the manner following, to wit: The board of supervisors may assess to the county, as an interested and benefited party, such portion of said assessment, not exceeding one-third, as in their judgment they may determine, and the remainder of such assessment shall be made upon the lands within said district in proportion to the benefits to be derived from said work or improvement, so far as the said commission can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be.

SEC. 11. Said commissioners, having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the board of supervisors, and shall accompany their report with a plat of the dis-

trict, showing the land taken or to be taken for the work or improvement; and the lands assessed, showing the relative location of each district, block, lot, or portion of lot or other piece of land, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in all respects. When the report and plat are approved by the board of supervisors, a copy of said plat (appropriately designated and certified by the clerk of said board as a correct copy of the plat on file in his office) shall be, by the clerk of said board, recorded in the office of the recorder of the county. Said report of the commissioners shall also contain the names of the persons owning lands taken, or to be taken, for such work or improvement; the names of the landowners who consent to give the right of way, and their written consent thereto; the names of landowners who do not consent, and the amount of damage claimed by each, and the amount of damages awarded to each by the commissioners.

SEC. 12. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening, deepening, or straightening of such innavigable stream, or other improvement made or work done, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, encumbrancers, or otherwise, so far as the same are known to the commissioners, and the particulars of their interests, so far as the same can be ascertained, and the amount of value or damages, or the amount assessed, as the case may be.

SEC. 13. If in any case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any piece of land or of any improvement thereon, or of any interest in such land or improvement, it shall be set down as belonging to unknown owners. Errors in the designation of the owner or owners of any land or improvement, or of the particulars of their

interest, shall not affect the validity of the assessment, or of any condemnation of the property to be taken.

SEC. 14. The commissioners shall receive for their services such compensation as the board of supervisors may determine from time to time; *provided*, that such compensation shall not exceed the sum of one hundred dollars per month each, nor continue for more than six months, unless the board of supervisors shall, by order, extend such time. The compensation of the commissioners shall be considered as an expense of the work or improvement, and shall be chargeable and payable as are other expenses thereof.

SEC. 15. The report of such commissioners, and the plat accompanying it, shall be filed with the clerk of the board of supervisors, and thereupon the said clerk shall give notice of such filing by publication for at least ten days, in one daily newspaper published and circulated in said county, or if there be no daily paper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall require all persons interested to show cause, if any they have, why such report should not be adopted and confirmed by the board of supervisors, on or before a day fixed by the clerk thereof, and stated in said notice; which day shall not be less than thirty days from the last publication thereof. Such notice shall be substantially in the following form:

Notice of the filing of the report of the board of commissioners of ——— protection district.

Notice is hereby given that the board of commissioners of ——— protection district did, on the ——— day of ———, 189—, file its report of the assessment of benefits and award of damages in said protection district with the clerk of the board of supervisors of ——— county, which said report is now on file in the office of said board, in the county courthouse, in the city of ———, in said county. Said report is hereby made a part hereof, and is hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, why such report should not be adopted and confirmed by such board of supervisors.

All objections to such adoption of such report shall

be in writing and signed by the person objecting, giving postoffice address, and filed with the clerk of said board of supervisors on or before the —— day of ——, 189—.

——— ———,

Clerk of the board of supervisors of —— county.

SEC. 16. All objections shall be in writing and filed with the clerk of the board of supervisors, who shall, at the next meeting of the board (whether an adjourned meeting, a regular monthly meeting, or a special meeting called for that purpose) after the day fixed in the notice to show cause, lay the said objections, if any have been filed, before the said board, which shall, by order, fix a time for hearing the same, and direct the clerk to notify the objectors in the manner prescribed in section three hereof. At the time fixed for hearing, or at such other time as the hearing may be adjourned to, the board of supervisors shall hear such objections and pass upon the same, and at such time, or if there be no objections, at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had as in the case of an original report. When such report has been adopted and confirmed, the said board may, by order entered upon its minutes, discharge such commissioners, and their authority shall thereupon cease.

SEC. 17. After said report has been adopted as provided in the preceding section, the board of supervisors, if they consider the sum to be raised for the payment of the expenses of such work or improvement too great to be properly expended in one year, or too great to be raised in one year by assessments against the property of such protection district, may, by order entered upon its minutes, provide that any part of such expenses shall be raised or expended in one year, and that such assessments shall continue for a number of years sufficient to raise by assessment, and expend, the total sum required by such report for the work or improvement. When the board

has determined the sum to be assessed for each year, and the number of years that such assessment shall continue, they shall cause the clerk of the board of supervisors to forward to the tax-collector of the county in which such district is situated, a certified copy of the report, assessment, and plat as adopted and confirmed by the said board of supervisors, together with a certified copy of the order of said board, fixing the sum to be raised by such assessment each year and the number of years such assessment shall continue, and from and after the filing of such certified copy the charges assessed upon each piece of land or improvement thereon for the first year shall become due and payable immediately and shall constitute a lien thereon; and thereafter the assessments for the succeeding years shall become due and payable on the first day of October of each year, and shall, upon becoming due and payable, constitute a lien upon the land or improvements upon which it is assessed. Before such sums become delinquent, the board of supervisors shall direct the county treasurer to transfer from the money then in the general fund of such county to the fund raised by such assessment, a sum of money to be named in the order, great enough to pay the assessment made against the county for that year for such work and improvements.

SEC 18. All moneys paid upon such assessments, either by property owners or by the county, any moneys received from any source for the benefit of such protection district, shall be, by the county treasurer, placed in a fund to be called the —— protection district fund, and all payments of any of the expenses of the work or improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon such fund, and paid by such treasurer.

SEC. 19. Upon the filing of such certified copy of such report, assessment plat, and order with the tax-collector of the county, as prescribed in section eighteen hereof, the county tax-collector shall give notice, by ten days' publication in a newspaper printed in the county, that the assessment list of —— protection district has been filed in his office, with the date of such filing; that the amounts entered thereon are due and payable; that if not paid on

or before the first Monday in January next ensuing, the same will become delinquent and will collected as are delinquent taxes. He shall note on said assessment list all assessments paid, giving receipts as in the payment of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as money collected for taxes is paid into said treasury. All subsequent collections of assessments shall be made in the same manner above set forth, and the tax-collector shall annually (after the first year), immediately after the first day of October, publish a notice containing all the statements required to be made as hereinbefore in this section set forth, and the same proceedings shall be had as upon the collection of the first assessment.

SEC. 20. When said assessments have become delinquent the tax-collector of such county shall proceed to collect such delinquent assessments, with five per cent added thereon, and pay the same, including the five per cent so collected, over to the county treasurer, in the same manner as state and county taxes are collected and paid over; and for the purpose of collecting such assessments and delinquent assessments all of the provisions of chapter seven, title nine, part three, of the Political Code not in conflict with any of the provisions of this act are hereby made applicable to the collection of assessments and delinquent assessments in such protection districts.

SEC. 21. If, at the completion of such work or improvements, there should be, from any cause, a surplus of money left in such protection district fund, the board of supervisors may ascertain the *pro rata* amount belonging to each person paying such assessments, and upon the filing of claims for such rebate, properly itemized, shall refund such money to the parties who paid the same, and when all of such money has been refunded, shall, by order, direct the county treasurer to abolish such protection district fund.

SEC. 22. When sufficient money is in such protection district fund to pay for the property taken and damaged, according to the award of damages made in the report adopted by the board of supervisors, as provided in section seventeen hereof, the clerk of the board of supervis-

office of the county [illegible]
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by the court or jury in accordance with the rights of the respective parties, as shown in court, independent of said proceedings, before said board of supervisors or before said commissioners.

SEC. 25. If any right of way, attempted to be acquired by virtue of this act, shall be found to be defective from any cause, the board of supervisors may again institute proceedings to acquire the right of way as in this act provided, or otherwise, or may purchase the same and include the cost thereof in the expenses of such work or improvement.

SEC. 26. The board of supervisors shall determine the amount of work to be done in each year and the place where such work is to done, and may let a contract for any portion of such work that they may think proper. When the work is let by contract, either as a whole work or for a portion thereof, the board shall give notice, by publication thereof, not less than ten days in a newspaper published in such county, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, and how such sealed proposals shall be addressed, which, at the time and place appointed, shall be opened, and, as soon thereafter as convenient, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or they may reject any and all bids and readvertise for proposals. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said county for the use of such protection district, for double the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the board of supervisors.

SEC. 27. If, according to the survey and map, as

adopted by the board of supervisors as provided in section seven hereof, it is necessary in order to shorten or straighten the course of any innavigable stream, to dig canals, cut off bends, change the channel or course of such stream, or to turn the water from its present channel into a former but now dry channel, then such work shall be considered as the straightening of the channel and course of such innavigable stream, and all of the provisions of this act are hereby declared to be applicable to such work.

SEC. 28. If, at any time, in the opinion of the board of supervisors, the expenditure of money is absolutely necessary to the welfare of such protection district, and there is no money in the fund of such district to make such necessary expenditure, or the money in such fund is insufficient to make such necessary expenditure, then the board of supervisors may advance such money out of the general fund of the county, and the same shall be a credit to the county as a payment of the assessments against the county to that extent; or if such money advanced shall exceed the assessments against the county, then as soon as there is sufficient money in the fund of such protection district to pay the excess, the board of supervisors shall direct the county treasurer to transfer to the general fund from the fund of such protection district, a sum great enough to balance the accounts.

SEC. 29. The provisions of this act shall be liberally construed to promote the objects thereof.

This act shall take effect and be in force from and after its passage.

An act to create a bureau of highways, and prescribe its duties and powers, and to make an appropriation for its expenses.

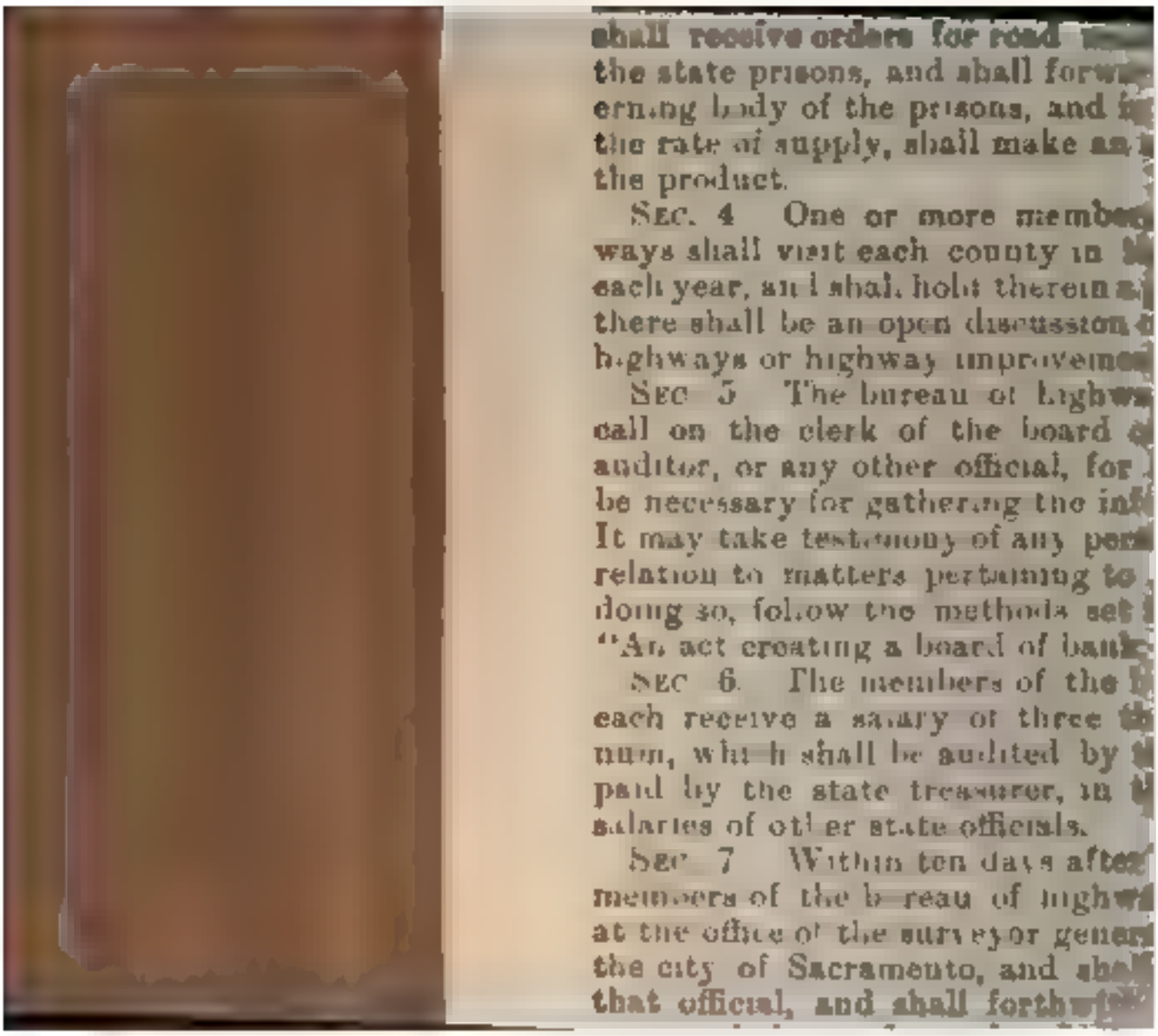
[Approved March 27, 1895.]

SECTION 1. Within ten days after the passage of this act the governor shall appoint three competent persons to compose a bureau of highways, who shall hold office for two years from the date of their qualifying. The persons so appointed shall be selected with particular reference to their qualifications for the duties devolving on them. They shall not be actively engaged in any other pursuit while serving as such commissioners, and shall devote

their entire time to the services of the bureau of highways. In case of a vacancy occurring on the said bureau, the governor shall, within ten days, appoint a person of proper qualifications to fill such vacancy.

SEC. 2. The members of the bureau of highways, before entering on the duties of their office, must execute an official bond in the sum of five thousand dollars, and take the oath of office as prescribed in the Political Code for the state officers in general.

SEC. 3. Among the duties of the bureau of highways shall be to gather from each county in the state statistics showing the total mileage of highways, their condition of improvement, the condition of the titles to the right of way, the method of obtaining title and of keeping the records thereof, the method of procedure in granting, closing, and altering roads, and the manner of preserving the records of the same, the manner in which roads are constructed and maintained, the manner of payment for the construction and maintenance of roads, the manner in which the accounts pertaining to the same are kept, the manner in which the money for highway purposes is raised, the amount expended in the past ten years for highway purposes, with the rate of taxation on one hundred dollars that is apportioned to the road fund. It shall inquire into the topographical and geological features of each county, and more particularly with reference to the accessibility of water for road-sprinkling purposes, and stone quarries, deposits of gravel, bituminous rock, sand, adobe, or any other materials suitable for road making purposes. It shall ascertain all laws, now in force in this state, appertaining to the highways, and shall segregate all such as in the judgment of the members of the bureau are ineffective or obsolete from such as are effective. Inquiry shall be made into what laws and methods are in use in other states in regard to road matters, and an abstract shall be made of such as are best adapted to the state of California. It shall prepare such cross-sections of roads, plans for draining or watering of roads, and for culverts, small bridges, and road appliances as may be deemed expedient. It shall prepare such blank forms as may be necessary to systemize all acts pertaining to the highways, and shall furthermore make any other inquiries



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vide said bureau of highways with a room suitably furnished for that purpose. The office before named shall be the office of the bureau of highways, but the members thereof shall visit such portions of the state and at such times as they may deem advisable or the duties devolving on them may require.

SEC. 9. The bureau of highways shall have the power to employ such clerical, expert, or other assistance as may be necessary for the purpose of conducting the affairs of its office, subject to the approval of the state board of examiners. The members of the bureau of highways, or any employee thereof, shall be allowed their actually necessary traveling expenses when in the discharge of their duty. The bureau of highways shall be allowed all necessary supplies and conveniences for the purpose of conducting the affairs of its office. All claims against the state, contracted by the bureau of highways, shall, before payment, be examined, audited, and approved by the board of examiners.

SEC. 10. The bureau of highways shall have a seal, which shall be affixed to all necessary papers and documents in the usual manner. It shall also cause to be kept proper books, as records of all acts done by it under the provisions of this act.

SEC. 11. It shall be the duty of the state mineralogist to furnish the bureau of highways such data and information as it may call for.

SEC. 12. It shall be the duty of the attorney general to advise the bureau of highways on all legal matters when requested to do so.

SEC. 13. It shall be the duty of the bureau of highways to prepare a report, which shall be submitted to the governor, in the manner and at the time prescribed by law for the submission of such reports. Said report shall embrace the work and investigation of the bureau for the previous two years, with recommendations that will be useful in framing a practicable road law, together with such information as will be useful in the improvement of the highways. There shall also be published from time to time, as may be deemed advisable by the bureau, bulletins containing useful recommendations and instructions

regarding highway construction, maintenance, and kindred subjects.

SEC. 14. It shall be the duty of the state printer, upon proper order from the board of examiners, to print the report of the bureau of highways, together with such bulletins as it may desire to publish, and the distribution shall be made under proper order from the board of examiners.

SEC. 15. The bureau of highways shall, upon the expiration of its existence, which shall be two years after its organization, deliver to the state controller, all property, books, reports, and papers of every description pertaining to its office.

SEC. 16. The sum of thirty-one thousand dollars is hereby appropriated out of any money in the general fund of the state treasury not otherwise appropriated, to pay the expenses of the said bureau, and the state controller is hereby directed to draw his warrant for the same from time to time, as necessary, and the state treasurer is hereby directed to pay the same. Said appropriation shall cover all the expenses of the bureau of highways, and in no case shall an indebtedness over and above the amount so appropriated be created or allowed. One-half of the appropriation herein made shall be available during the forty-seventh fiscal year, and the other half during the forth-eighth fiscal year.

SEC. 17. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage and approval.

An act to authorize the state of California to secure the title to and right of way for that certain wagon-road situated in El Dorado county, commencing a short distance easterly from the village of Smith's Flat, in said county, and running thence to Lake Tahoe, and to provide for the appointment, duties, and compensation of a person, to be known as and called the "Lake Tahoe Wagon-road Commissioner," and to make an appropriation for the purpose of carrying into effect the provisions of this act.

[Approved March 26, 1895.]

SECTION 1. The governor of the state of California shall, within sixty days after the passage of this act, appoint

one person, resident within this state, to be known as and called the "Lake Tahoe wagon-road commissioner."

SEC. 2. The term of office of said commissioner shall be two years from and after the date of his appointment. The person appointed such commissioner shall, before entering upon the discharge of his duties, take the same oath of office as is provided by law for other state officers, which shall be filed in the office of the secretary of state. In case a vacancy shall occur in the office of said Lake Tahoe wagon-road commissioner, the governor shall immediately fill such vacancy.

SEC. 3. The said commissioner shall make a full and careful examination into the condition of that certain wagon-road situated and being in the county of El Dorado, state of California, commencing at the junction of the Lake Tahoe wagon-road with the wagon road leading from Placerville to the town of Newtown, a short distance easterly from the village of Smith's Flat, in the said county of El Dorado, and running thence from the junction of said roads to Lake Tahoe; and shall make, or cause to be made, all such necessary surveys, maps, designs, drawings, specifications, and estimates, as will show the condition of said road, and the cost of properly improving the same. The said commissioner shall also make, or cause to be made, a full and complete examination of the title to and right of way for said road, and shall endeavor to gain concessions thereto and therefor in favor of the state of California; and for that purpose said commissioner is hereby authorized to receive, in the name of said state, such deeds, conveyances, contracts, or franchises, from persons or corporations, civil or municipal, as in the opinion of the attorney general of this state are necessary to vest the title, right of possession, and right of way to and for said road in the state of California.

SEC. 4. After the title, right of possession, and right of way to and for said road shall have become vested in the state of California, said commissioner shall, and he is hereby authorized to make, or cause to be made, all such repairs or improvements to and upon said road, including the bridges and culverts thereon and belonging thereto, as may be necessary or proper; *provided*, that the cost of

such repairs and improvements shall not exceed the sum of one thousand dollars.

SEC. 5. The said commissioner shall, on or before the first day of December, eighteen hundred and ninety-six, make to the governor a full report upon the matters herein specified. The superintendent of state printing shall print and publish as many copies of such report as may be ordered by the governor.

SEC. 6. Said commissioner is hereby authorized to expend in the making and preparation of said surveys, maps, designs, drawings, specifications, and estimates, and in the examination of said title and right of way, the procuring of any deeds, conveyances, contracts, or franchises herein mentioned, and the preparation of said report, a sum not exceeding five hundred dollars.

SEC. 7. Said commissioner shall receive from the state a compensation of three hundred dollars per annum, payable monthly; and shall also receive his necessary traveling expenses while engaged in the performance of his official duties.

SEC. 8. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred dollars, with which to carry into effect and execute the provisions of this act.

SEC. 9. All expenditures authorized by the provisions of this act shall be subject to the approval of the state board of examiners; and the state controller is hereby authorized and directed to draw his warrant for all expenditures, not in excess of the appropriation herein provided for, so approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 10. This act shall take effect and be in force from and after its passage.

An act to appropriate money for the survey, location, and construction of a free wagon-road from the town of Mariposa, in Mariposa county, to the Yosemite valley.

[Approved March 26, 1895.]

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the survey, location, and

construction of a free wagon-road from the town of Mariposa, in Mariposa county, to the Yosemite valley.

SEC. 2. When the survey and location of said wagon-road shall be completed and accepted by the board of supervisors of Mariposa county, and the acceptance thereof shall have been duly certified by the county clerk of the said county of Mariposa, the controller of state is hereby authorized and directed to draw his warrant in favor of the county treasurer of Mariposa county for the sum of two thousand dollars, to pay for said location and survey, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 3. When one-fourth of the said road is fully completed, and that part or section thereof is accepted by the board of supervisors of Mariposa county, and the acceptance of said part or section thereof shall have been duly certified to by the county clerk of the said county of Mariposa, the controller of state is hereby authorized and directed to draw his warrant in favor of the county treasurer of Mariposa county for the sum of twelve thousand dollars, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 4. When one-half of the road is fully completed, and the second one-fourth of said road is accepted by the board of supervisors of Mariposa county, and the acceptance of said part or section thereof shall have been certified to by the county clerk of the said county of Mariposa, the controller of state is hereby authorized and directed to draw his warrant in favor of the county treasurer of Mariposa county for the sum of twelve thousand dollars, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 5. When three-fourths of the said road is finally completed, and the third one-fourth of the said road is accepted by the board of supervisors of Mariposa county, and the acceptance of said part or section thereof shall have been certified to by the county clerk of the said county of Mariposa, the controller of state is hereby authorized and directed to draw his warrant in favor of the county treasurer of Mariposa county for the sum of

twelve thousand dollars, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 6. When the whole of the said road is finally completed and accepted by the board of supervisors of Mariposa county, and the acceptance thereof shall have been certified to by the county clerk of the said county of Mariposa, the controller of state is hereby authorized and directed to draw his warrant in favor of the county treasurer of Mariposa county for the sum of twelve thousand dollars, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 7. This act shall take effect immediately after the county of Mariposa shall have appropriated and deposited with the state treasurer the sum of seventy-five thousand dollars for the construction of said road.

An act to amend section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 6, 1905.]

SECTION 1. Section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Section 752. The members of the board of trustees, and of the board of education, and the assessor, marshal, treasurer, city attorney, and recorder, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the second Monday in April, in each odd-numbered year. The assessor, marshal, treasurer, city attorney, and recorder shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the board of trustees and of the board of education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; *provided*, that the first board of trustees and board of education elected under the provisions of this act shall at their first meeting so classify them-

selves, by lot, as that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years. The city clerk shall be appointed by the board of trustees, and shall hold office during the pleasure of the board of trustees. The board of trustees may, in their discretion, appoint a poundmaster, to hold office during the pleasure of the board; also, a superintendent of streets and a city engineer, both of whom shall hold office during the pleasure of the board, and both of which offices may be held by the same person.

SEC. 2. This act shall take effect immediately.

An act to amend section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendment thereto, approved March 19, 1884.

[Approved March 26, 1895.]

SECTION 1. Section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and amended March nineteenth, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Section 752. The members of the board of trustees, and of the board of education, and the city clerk, city attorney, assessor, marshal, treasurer, and recorder shall be elected by the qualified electors of said city, at a general municipal election to be held therein, on the second Monday in April in each odd-numbered year. The city clerk, city attorney, assessor, marshal, treasurer, and recorder shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the board of trustees and of the board of education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; *provided*, that the first board of trustees and board of education elected under the provisions of this act shall, at their first meeting, so classify themselves, by lot, as that three of their members shall go out of office at the

An act to amend the act ... organization, incorporation, ... corporations," approved March ... tion eight hundred and fifty-on... cers of municipal incorporation...

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SECTION 1. Section eight hu... act is hereby amended to read ... *Officers:*

Section 851. The governme... be vested in a board of trustee... bers; a clerk, who shall be *ex o...* a marshal, who shall be *ex offic...* a recorder, to be appointed by ... such subordinate officers as are...

This act shall take effect from...

An act to promote the protection ... ipal corporations from overflow... of the same, and for such purpo... of indebtedness and the issuan... same, and providing for the d... such bonds, and for the super... other works.

[Approved Mar...

SECTION 1. Any city, town, ... incorporated under the laws of ... ure hereinafter prescribed, inc... ity, although in excess of the ...

flow by water, and for the purpose of draining such city, town, or municipal corporation, and for the purpose of securing an outlet for such overflow water and drainage, or for any part of said purposes, whether by means of canals, ditches, levees, dikes, embankments, dams, and machinery and other like, appropriate, or ancillary means or works, or any of the same, whether situated within or without the territorial limits of such city, town, or municipal corporation.

SEC. 2. The procedure mentioned in section one aforesaid shall be as follows, to wit:

The city council or legislative body of such city, town, or municipal corporation shall, first, have made by some competent person general plans and estimates of the cost of such canals, ditches, levees, dikes, embankments, dams, machinery, and other means or works as may be contemplated, which general plans and estimates shall, after adoption, be filed in the office of the clerk of such municipality, and which general plans shall be substantially adhered to thereafter in proceedings under this act.

Said city council or legislative body shall, secondly, after the filing of such general plans and estimates, and by resolution or ordinance passed at a regular meeting by a vote of two-thirds of all its members and approved by the executive of the municipality, determine, if so advised, that the public good demands the construction, acquisition, and completion, or either, of canals, ditches, levees, dikes, embankments, dams, machinery, and other like appropriate or ancillary means, or works, or any of the same, for any or all of the purposes mentioned in section one aforesaid, and shall further, by the same resolution or ordinance, determine, if so advised, that the cost of the same will be too great to be paid out of the ordinary income or revenue of the municipality; and such resolution or ordinance shall, after its passage and approval, be published as hereinafter prescribed.

Said city council or legislative body shall, within one month after the publication aforesaid, and by resolution or ordinance passed at a regular meeting by a vote of two-thirds of all its members, and approved by the executive of the municipality, call a special election, and submit to

the qualified voters of such city, town, or municipal corporation the proposition to incur a debt for any or all of the purposes mentioned in section one aforesaid, and which have been as aforesaid determined to be demanded for the public good. The resolution or ordinance calling such special election shall specify the purpose for which the indebtedness is proposed to be incurred, the estimated cost of the things proposed, that bonds of the municipality will issue in the amount of such estimated cost, the number and character of such bonds, the rate of interest to be paid, and the amount of the tax levy for each year during the outstanding of such bonds to be made for their payment. Such last-named resolution or ordinance shall be published as hereinafter prescribed.

Such city council or legislative body shall cause to be published, after the publication last named and prior to the day of holding such special election, a notice of the same, which notice shall set forth substantially all the matters contained in the aforesaid resolution or ordinance calling such special election.

SEC. 3. Every publication hereinbefore mentioned or required shall be in some newspaper published in such city, town, or municipal corporation; if in a daily paper, in at least ten issues thereof, and if in a weekly paper, in at least two issues thereof; and no publication shall be deemed to have begun until any one required preceding the same shall have been completed.

SEC. 4. Such special elections shall be held in the manner provided by law for holding elections in such city, town, or municipal corporation.

SEC. 5. It shall require the votes of two-thirds of all the voters voting at such special election to authorize the incurring of any indebtedness or the issuance of any bonds under this act. If two-thirds of all the votes cast at such special election be in favor of the proposition submitted, the city council or legislative body may, by ordinance reciting the result of said election, provide for the issuance of the proposed bonds and any matter incidental thereto.

SEC. 6. All municipal bonds issued under this act shall be of the kind known as serials, and of such denomina-

tions as the city council or legislative body may determine; *provided*, that no bond shall be for less than one hundred dollars nor for more than one thousand dollars, and that not less than one-fortieth part of the whole indebtedness evidenced by the whole of the issue of such bonds shall be, by the terms of such bonds, made payable each and every year. Each bond shall be made payable either in gold coin or other lawful money of the United States as may be expressed in such bond, on a day and at a place designated therein, with interest at the rate specified therein, which rate shall not exceed seven per cent per annum, to be fixed by such city council or legislative body. Said place of payment shall be either at the office of the treasurer of the municipality, or at some designated bank in San Francisco, Chicago, or New York. Said bonds shall be executed on the part of such municipality by the mayor or other executive thereof, and by the treasurer thereof, and countersigned by the clerk of the municipality. The interest coupons shall be numbered consecutively and signed by the treasurer.

SEC. 7. Any of such bonds may be issued by the city council or legislative body in such city, town, or municipal corporation, and by the same sold, at not less than their face value, and the proceeds of such sale shall be deposited in the municipal treasury to the credit of a designated fund and be applied exclusively to the purpose and objects for which, as aforesaid, the electors have voted to incur indebtedness or liability, until such purposes and objects shall have been accomplished, after which, the surplus, if any, may be transferred to the general fund of the municipality.

SEC. 8. Such city council or legislative body shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually, each year, for the term of forty years, a tax sufficient to pay the annual interest on such bonds and also one-fortieth part of the aggregate amount of such indebtedness so incurred. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same

time and in the same manner as other municipal taxes are collected.

SEC. 9. The city council or legislative body of every city, town, or municipal corporation wherein or for which any public works or improvements are being had or constructed for the purposes hereinbefore specified, and for which indebtedness has been incurred under the provisions of this act, shall have power to make all needful rules and regulations for acquisition, construction, and completion of such works and improvements; to appoint all needful agents, superintendents, and engineers to supervise and construct the same, and shall have power in all lawful ways to protect and preserve the rights and interests of the municipality in respect thereof.

SEC. 10. All contracts as to said works and improvements shall be let, in such parcels as the city council or legislative body may determine, to the lowest responsible bidder, after notice given for at least ten days by publication in one or more newspapers published in the municipality, inviting sealed proposals. Security or bonds may be required in order to guarantee good faith in bidding and in the performance of contracts, or either, in such amount as such council or legislative body may determine, and such council or legislative body may reject any or all bids.

SEC. 11. The city council or legislative body of the municipality may by resolution, if it deem the same necessary, require the treasurer of the municipality to give additional bonds for the safe custody and care of public funds derived under this act.

SEC. 12. The provisions of this act are intended to be paramount and controlling as to all matters provided for therein and as to all questions arising in or out of procedure thereunder.

SEC. 13. This act shall take effect from and after the time of its passage.

An act to provide for the disincorporation of municipal corporations of the sixth class.

[Approved March 26, 1895.]

SECTION 1. A municipal corporation of the sixth class may disincorporate after proceedings had as required in

this act. The council, the board of trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one fourth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such municipal corporation shall disincorporate. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed or published in such corporation, or if there is no newspaper published in said corporation, then in some newspaper published in the county in which said corporation is situated, for a period of thirty days prior to such election. Said notice shall state that the question of disincorporating said corporation will be submitted to the legal voters of the same at the time appointed for such election, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "For disincorporation — Yes," or "For disincorporation — No." Such legislative body shall also designate in said notice the place or places at which the polls will be opened in said municipal corporation, and shall also appoint and designate in such notice the names of the officers of election. The vote at said election shall be taken, canvassed, and returned in the same manner as in other municipal elections. Such legislative body shall meet on the Monday next succeeding the day of such election and proceed to canvass the votes cast thereat. If it be found by the canvass of said votes that a majority of the votes cast at said election were against said disincorporation, such legislative body shall declare the petition for disincorporation denied; in which case no new election shall be held on the question of disincorporating the corporation involved in said petition and no vote until after the expiration of one year from the date of the election so held. In case it shall appear from said canvass that a majority of the votes cast were in favor of disincorporation, such legislative body shall, under their hands, make and file in their office, and cause to be entered upon their record of proceedings, an order that the petition for such disincorporation

be granted, and declaring that such corporation be disincorporated; said order to take effect at the time hereinafter provided. Said legislative body shall, in case said corporation is so disincorporated, forthwith cause their clerk, or other officer performing the duties of clerk, by an order entered in their minutes, to make and transmit to the secretary of state and board of supervisors of the county in which said corporation is situated a certified copy and abstract of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation, and the number of electors voting against said disincorporation. Thirty days from and after the heading of the election, in case a majority of the said votes were cast in favor of said disincorporation, said municipal corporation shall be forever disincorporated. Said legislative body shall forthwith, after ascertaining by said canvass that said disincorporation has been carried, determine the amount of the indebtedness of said municipal corporation, the amount of money in the treasury thereof, and the amount of any tax levy made by said corporation unpaid or not due, and all other indebtedness due or coming due to said corporation, and within thirty days from the date of said election shall transmit a certified statement of said amounts to the board of supervisors of the county in which said municipal corporation is situated, and the treasurer of said corporation shall, before the expiration of said thirty days, turn over to the treasurer of said county all moneys of said municipal corporation in his possession, and said county treasurer shall place said moneys in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said municipal corporation, every public officer of said corporation shall immediately turn over to the board of supervisors of the county in which said corporation is situated, all public property of every nature and description in their possession; *provided, however*, that all court records of the recorder's court of said municipal corporation shall be retained by said recorder as justice of the peace of the township, and as such justice of the peace he shall have authority to execute and complete all unfinished business standing on the same. Nothing contained in this act

shall be held to relieve said municipal corporation, or the territory included within it, from any liability for any debt contracted by such municipal corporation prior to its disincorporation. All warrants for said indebtedness shall be drawn by the board of supervisors of the county in which said municipal corporation is situated on the fund hereinabove provided for in the county treasury. If at the time of the said disincorporation, a tax shall have been levied by said municipal corporation, and remains uncollected, it shall be the duty of the tax-collector of the county in which said municipal corporation was situated to collect said tax when due, and pay the same into the county treasury to the credit of the fund hereinabove provided for. If at any time after the disincorporation of any such municipal corporation, it should be found that there is not sufficient money in the treasury to the credit of the fund hereinabove provided for, with which to pay any indebtedness of said municipal corporation, the board of supervisors of said county shall have the power, and it shall be their duty to levy, and there shall be collected from the territory formerly included within said municipal corporation, a tax or taxes sufficient in amount to pay the said indebtedness, or indebtednesses of said municipal corporation; such tax or taxes, assessment, and collection shall be made in the same manner and at the same time that other taxes of said county are levied and collected, and shall be an additional tax upon the property included within said territory for the payment of said debts. If, after payment of the debts of said municipal corporation, there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the money so remaining shall be transferred to the school fund of the districts or district covered by said municipal corporation.

SEC. 2. The board of supervisors of the county in which any such municipal corporation has been disincorporated, shall have the power, and it shall be their duty, to ascertain the indebtedness of said municipal corporation at the time of its disincorporation, and the amount of money in its treasury and the amount due to it at the said

time, if the board of trustees or other legislative body of such corporation shall fail or refuse to return to said board of supervisors the statement of said accounts as hereinbefore in this act provided. Said board of supervisors shall make provision for the collection of the amounts due to said municipal corporation, and said county shall succeed to and possess all the rights of said municipal corporation to sue for and otherwise collect any such debts in the name of the county. All costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expense incurred by the board of supervisors in the execution of the powers and duties of said board of supervisors, provided for in this act, shall be paid out of the special fund of said county treasury hereinbefore in this act provided for.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act providing for changing the fiscal year of cities in this state operating under a charter framed under section eight, article eleven, of the constitution.

[Approved March 26, 1895.]

SECTION 1. Any city or municipal corporation within this state, operating under a charter framed under the provisions of section eight, article eleven, of the constitution, may, by ordinance adopted by a majority of all the members of the board of trustees, common council or other legislative body of such city or municipal corporation, change the fiscal year of such city or municipal corporation to begin at any other time than that fixed by such charter; and may provide sufficient revenue to carry on the business of the city or municipal corporation from the end of the previous fiscal year to the commencement of the fiscal year thus fixed, by adding to the first tax levy made for the new fiscal year a sufficient amount, in addition to the limit in such charter provided, that will raise enough money to pay claims contracted between the ending of the previous fiscal year and the commencement of the new fiscal year. Any city also may provide by ordinance, passed in the same manner, the time of making the annual tax levy, and the time at which the

lien thereof shall attach; and may change the time or times designated in such charter for making the assessment, demand statements of property, preparing the assessment roll, equalizing the assessment, and all other matters relating to the assessment and collection of municipal taxes.

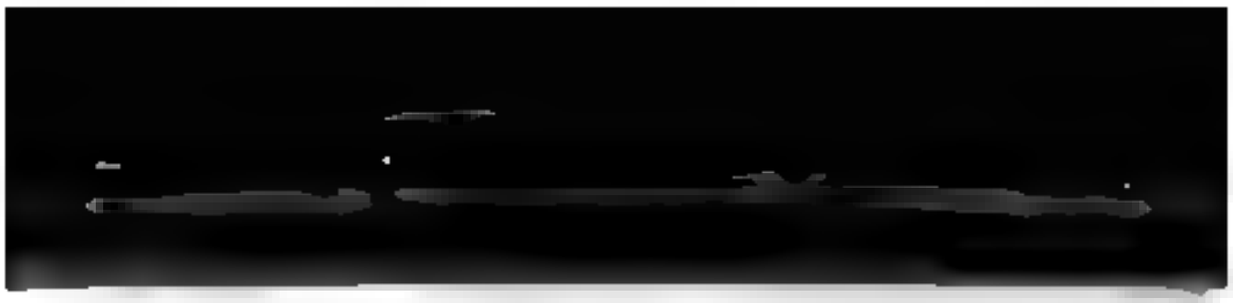
SEC. 2. This act shall take effect and be in force from and after its passage.

An act conferring power upon the common council, board of supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes.

[Approved March 27, 1895.]

SECTION 1. Power and authority is hereby conferred upon the common council, board of supervisors, or other governing body of every city, or city and county, in this state having a population of over one hundred thousand inhabitants, to provide for the erection and construction in such city, or city and county, and at the expense of the same, such additional or other municipal building or buildings as the common council, board of supervisors, or other governing body of such city, or city and county may determine upon for the accommodation of the criminal department of the superior court, police courts, police stations, prisons, morgues, or coroner's offices of such city, or city and county, and for such other municipal uses as may be deemed necessary.

SEC. 2. In the event that the common council, board of supervisors, or other governing body of such city, or city and county, shall deem it expedient, and in their judgment that the public good requires the construction of such building or buildings, for the construction of which power is conferred upon them by section one of this act, in the manner and mode prescribed by this act, they are hereby authorized and empowered to express such judgment by resolution or order, in such manner as they may deem proper. And for the purpose of raising the money necessary to complete said building or buildings, the said common council, board of supervisors, or other governing body of such city, or city and county, is hereby author-



ized and empowered to levy and collect, in the same manner and at the same time as other taxes are levied and collected in such city, or city and county, for municipal purposes, an *ad valorem* property tax on real and personal property, which shall not in the aggregate exceed the sum of three hundred thousand dollars, which sum shall cover all the expense of the said building or buildings.

SEC. 3. As a site for the erection and construction of said building or buildings, power is hereby conferred upon the common council, board of supervisors, or other governing body of such city, or city and county, to acquire by purchase, or to condemn and acquire under the laws of eminent domain, such land as may be necessary therefor.

SEC. 4. The money arising from the tax hereby authorized to be levied and collected shall be kept by the city, city and county treasury of such city, or city and county, in a fund to be known as the "public building fund," and out of which said fund all claims for work, labor, and materials used in the construction of said building, and all other expenses authorized to be incurred under the provisions of this act, shall be paid. All claims against the said fund shall be allowed by the common council, board of supervisors, or other governing body of such city, or city and county, by resolution entered upon the minutes in the same manner and form as other expenditures are authorized, before the auditor shall be authorized to audit the same; and in no case shall any portion of said fund be used or expended for any other purpose than those herein indicated, nor shall any part of the cost of the construction of said building be paid out of any other or different fund, nor shall any lien for work, labor, or material at any time attach to the said building or buildings, nor the land upon which the same is located, in any manner whatever.

SEC. 5. When work is to be done upon said building or buildings, or materials to be furnished, it shall be the duty of the common council, board of supervisors, or other governing body of such city, or city and county, to advertise for at least ten days in a daily newspaper published and circulated in such city, or city and county, for sealed proposals for doing both said work and furnishing said

material. The said work and material shall be of the best quality. The advertisement shall contain a general description of the work to be done and the materials to be furnished, the time within which the same is to be done or furnished, and may refer to plans and specifications for such other details as may be necessary to give a correct understanding regarding the work or materials. The advertisement shall also state the day and hour of said day within which bids will be received. At the hour and day stated in the advertisement, the said board or body shall proceed to open the bids in the presence of the bidders, and an abstract of each shall be recorded in the minutes by the clerk. A day and hour shall then be fixed for considering the bids and awarding the contract. An abstract of said bids, showing the name of each bidder, the price at which work, labor, and materials are offered to be done or furnished by each, and such other things as may be necessary to show or explain the offer, shall be made by the clerk and published for five days in a daily newspaper of general circulation published in such city, or city and county. At the expiration of five days after the first publication of the abstract, on the day and at the hour fixed by said board or body, the said board or body shall proceed to consider the several bids and award the contract for doing the work and supplying the material for which proposals are invited, and for none other, to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the contract, *provided*, the advertisement hereinbefore provided for shall invite proposals and bids for the performance of all the work and the furnishing of all the materials which may be required for the erection and completion of the entire building or buildings, and the contract herein provided for shall cover the erection and completion of the entire building or buildings, and the whole thereof shall be erected and completed and made ready for occupancy under and by a single contract. Said board or body shall have the right to reject any or all bids when in their judgment the public interests may be thereby promoted. Such contract shall be executed on behalf of such city, or city and county, by the mayor, or president of the com-

mon council, board of supervisors, or other governing body of such city, or city and county. No change in the plans or specifications shall be made after proposals for doing work and furnishing materials have been called for; nor shall any contractor be allowed a claim for work done or materials furnished not embraced in his contract. All contracts shall be in writing, and shall be carefully drawn by the city attorney, city and county attorney, or other law officer of such city, or city and county, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material, and the time within which the same shall be completed; and such penalty for the nonperformance of such contract as said board or body may deem just and reasonable. All contracts shall be signed in triplicate—one copy of which, with the plans and specifications of the work to be done, shall be filed with the clerk or secretary of said board or body, and shall at all times, in office hours, be open to the inspection of the public; one, with the plans and specifications, shall be kept in the office of said board or body, and the other copy, with plans and specifications, shall be delivered to the contractor.

SEC. 6. The common council, board of supervisors, or other governing body of such city, or city and county, may make payments on such contract from time to time, as work progresses or materials are furnished; but until the contract is completed, at no time shall the payments exceed seventy-five per centum of the value of the labor or materials furnished.

SEC. 7. The plans and specifications herein referred to shall be secured by said board or body after the publication for ten days in a daily newspaper of general circulation in such city, or city and county, of a resolution inviting the submission of competitive plans and specifications for said building or buildings. Said resolution shall contain a general statement of the purposes for which said building or buildings are to be used, the cost thereof, and the character of the design required. Said plans and specifications may be submitted to such board

or body under such requirements and conditions, and at such time as said board or body may prescribe.

SEC. 8. This act shall take effect and be in force from and after its passage.

An act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the state of California.

[Approved March 26, 1895.]

SECTION 1. Before any city or town in the state of California shall enter into any contract for the lighting of its streets, or public buildings, or other public places, the city council, or trustees, or other governing body of such city or town shall advertise for bids for such lighting, and cause a notice to be posted in three public places in the city or town, inviting sealed proposals for doing such lighting, referring to the specifications posted or on file. The advertisement for bids shall be published for ten days, in the newspaper designated by such city or town as its official paper, in which other legal notices, orders, and ordinances are required to be published, if there be any such official paper, but if there be no such official paper, then such advertisements for bids shall be published in any newspaper of general circulation designated by such city council, trustees, or other governing body.

SEC. 2. All contracts for the lighting of streets, public buildings, and other public places, after bids have been advertised for and notice given, as provided in section one of this act, shall be let to the lowest responsible bidder. The city council, trustees, or other governing body of such city or town may reject any and all the bids.

SEC. 3. Each bid shall be accompanied by a check, payable to the order of the mayor or president, or other chief officer of such city or town, and certified by a responsible bank, for at least ten per cent of the amount of the bid, or by a bond for said amount, signed by the bidder and two sureties, who shall qualify under oath in double said amount, over and above all statutory exemptions. Said bids shall be delivered in a sealed envelope to the clerk of said city council, trustees, or other governing body, and said city council, trustees, or other governing

body, shall, in open session, open said bids, examine, and publicly declare the same. If none of said bids are accepted, a readvertisement and notice for bids for such lighting shall then be had as provided for in the first instance. If any of said bids are accepted, then such city council, trustees, or other governing body of such city or town, shall enter into a contract with the bidder whose bid is accepted, to do such lighting, which contract shall embody the specifications and terms for such lighting placed on file before any bids are advertised for. But no contract shall be made for a longer period than one year, and every such contract shall go into effect within six months after the bid is approved. Any check or bond accompanying any unaccepted bid shall be returned to the party furnishing the same, when his bid is rejected, any check or bond accompanying any accepted bid shall be retained by the clerk till the successful bidder shall have entered into a contract as herein provided, and then be returned to said bidder; but if such bidder shall refuse to enter into such contract, his check or bond shall be declared forfeited to such city or town, and shall be collected and paid into the general fund thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

An act fixing and regulating the manner of sale and redemption of real property for delinquent assessments to pay the damages, cost, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in any part, any street, square, lane, alley, court, or place within municipalities in this state.

[Approved March 27, 1895.]

SECTION 1. All sales and redemptions after sale of any real property upon which the assessment levied and assessed to pay the damages, cost, and expense, for or incident to laying out, opening, extending, widening, straightening, diverging, curving, constructing, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities in this state shall remain unpaid and become delinquent under the provisions of an act or law regulating such matters, shall be made

and had in the same time and manner as such sales and redemption were required by law to be made and had on the first day of January, Anno Domini eighteen hundred and ninety-five.

SEC. 2. All acts or parts of acts in conflict with this Act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

An act to provide for the levy and collection of taxes by and for the use of municipal corporations, and cities incorporated under the laws of the state of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations

[Approved March 27, 1895.]

SECTION 1. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, except municipal corporations of the first class, shall have power, and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such municipal corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded, or other indebtedness, of such municipal corporation or city. The board of trustees, common council, or other legislative body, shall meet for such purpose, and shall so ascertain and fix said amount on the first Monday in August of each year; *provided, however*, that the provisions of this act shall not apply to or be in force in any city or municipal corporation until its board of trustees, common council, or other legislative body, shall have passed an ordinance electing to avail itself of the provisions of this act, and filed a certified copy of the same with the auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in February of each year, and thereafter all assessments shall be made and taxes collected by the assessor and tax-collector of su

county until such city or municipal corporation shall, by ordinance, elect not to avail itself of the provisions of this act for any longer time

SEC. 2. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, except municipal corporations of the first class, shall have power to elect that the duties of the city treasurer of such city or municipal corporation shall be performed by the county treasurer of the county in which such city or municipal corporation is situated, and whenever such board of trustees, common council, or other legislative body shall, by ordinance, so determine, such duties shall be performed by the treasurer of the county in which such city or municipal corporation is situated. A certified copy of such ordinance shall be served on the tax collector and treasurer of such county, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to such city or municipal corporation in the hands of the treasurer.

SEC. 3. The county auditor must, on or before the second Monday in August of each year, transmit to the board of trustees, common council, or other legislative body of such municipal corporation or city within such county a statement, in writing, showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment-books of such county for such year, as equalized and corrected by the board of supervisors of such county.

SEC. 4. Each board of trustees, common council, or other legislative body of such municipal corporation or city shall, on the first Monday in September, fix the rate of taxes, designated in the number of cents upon each hundred dollars, using as a basis the value of the property as assessed by the county assessor, and so return to said board by the county auditor, as required by section two of this act, which rate of taxation shall be sufficient to raise the amount so fixed by such board, as required in section one of this act, which acts by said board are declared to be a valid assessment of such property, and a

valid levy of such rates so fixed. Such municipal or city board must immediately thereafter transmit to the county auditor of the county in which such municipal corporation or city is situated a statement of such rate so fixed by such municipal board.

SEC. 5. The auditor must then compute and enter in a separate column in the assessment-book, to be headed "City Tax, City of ____" (naming it), the respective sums in dollars and cents to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal board, and the assessed value as found in such assessment-book. Such taxes so levied shall be collected at the same time and in the same manner as state and county taxes; and when collected the net amount as ascertained by sections six and seven of this act shall be paid to the treasurer of the municipal corporation or city to which it respectively belongs, under the general requirements and penalties provided by law for the settlement of other taxes; *provided, however*, that when such city has by ordinance, a certified copy of which has been served upon the tax-collector of such county, electing to avail itself of the provisions of section two of this act, then such tax-collector shall pay the money belonging to such city or municipal corporation over to the treasurer of the county in which such city or municipal corporation is situated.

SEC. 6. The board of supervisors, on the filing of itemized statements by the county auditor and county tax-collector, showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon the minutes, deduct such expenses from the taxes of such municipal corporation or city, while in the hands of the county tax-collector, and cover the same into the county salary fund; *provided*, that not more than one per cent shall be charged for collecting the first twenty-five thousand dollars so collected, and one-fourth of one per cent for all sums over that amount.

SEC. 7. Whenever the board of trustees, common council, or other legislative body of any municipal corporation or city in this state, has elected to avail itself of the provisions of section two of this act, the board of super-

visors of such county shall also reserve as and for the expenses of the county treasurer, incurred by reason of the imposing of these duties upon him, the sum of one-fourth of one per cent, which sum shall be deducted from the money collected by the county tax-collector, and covered in to the county treasurer into the county salary fund.

SEC. 8. Whenever the board of trustees, common council, or other legislative body of any municipal corporation or city in this state shall have availed itself of the provisions of this act, all duties other than the assessing of the property of such city or municipal corporation belonging to the office of the city assessor shall be transferred to and performed by the clerk of such city or municipal corporation; and all duties other than the collection of taxes belonging to the office of city tax collector shall be transferred to and be performed by the city marshal or chief of police of such city or municipal corporation, and thereafter the office of city assessor, and city tax-collector, and city treasurer may be by ordinance abolished.

SEC. 9. Whenever any real property situate in any city or municipal corporation which has availed itself of the provisions of this act has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned by the county treasurer to such city or municipal corporation in the proportion which the tax due to such city or municipal corporation bears to the total tax for which such real property was sold.

SEC. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall take effect immediately.

An act to repeal an act of the legislature of the state of California entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March 18, 1874, and requiring all counties and cities and counties of the state to conform to the requirements of the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes for revenue purposes.

[Approved March 28, 1895.]

SECTION 1. An act entitled "An act in relation to the assessment and collection of taxes upon personal property

in the city and county of San Francisco," approved March eighteenth, eighteen hundred and seventy-four is hereby repealed.

SEC. 2. All counties and cities and counties of this state are hereby required to conform to the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes on real and personal property for revenue purposes, and all laws now in force in relation to revenue are hereby made applicable to all such counties and cities and counties.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

An act to amend an act entitled "An act to reincorporate Salinas City," approved March 2, 1876, with reference to the levy and collection of taxes by said Salinas City.

[Approved March 27, 1895.]

SECTION 1. Section fourteen of the act entitled "An act to reincorporate Salinas City," approved March second, eighteen hundred and seventy-six, is hereby amended to read as follows:

Section 14. The common council shall levy annually a tax upon the real and personal property within the city Such levy shall be estimated upon the assessment-roll of the current fiscal year, and shall be for the following purposes, and none other: For the support and maintenance of the public schools of the city, a tax not exceeding twenty-five cents on each one hundred dollars; for the support of the fire department of the city, a tax not exceeding ten cents on each one hundred dollars; for the purposes of sewerage and drainage of said city, a tax not exceeding fifteen cents on each one hundred dollars; and for the general fund, a tax not exceeding fifty cents on each one hundred dollars; and for the school and fire bond interest fund, a tax not exceeding fifteen cents on each one hundred dollars. All license taxes, unless otherwise ordered by the common council, shall be apportioned to the general fund, and all taxes and licenses herein authorized to be collected shall be collected in the same

currency as may be prescribed in reference to state and county taxes.

SEC. 2. This act shall take effect immediately.

An act to amend sections three, four, five, seven, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, and twenty-three of an act entitled "An act creating a board of bank commissioners, and prescribing their duties and powers" (approved March 30, 1878, and as amended by an act approved March 10, 1887), and to add four (4) new sections thereto, to be numbered twenty-four, twenty-five, twenty-six, and twenty-seven, relating to the powers and duties of such commissioners.

[Approved March 26, 1895.]

SECTION 1. That section three of an act entitled "An act creating a board of bank commissioners, and prescribing their duties and powers" (approved March thirtieth, eighteen hundred and seventy-eight, and as amended by an act approved March tenth, eighteen hundred and eighty-seven), be and the same is hereby amended so as to read as follows:

Section 3. The duties of the bank commissioners shall be to prepare and furnish to every savings bank, bank, and banking company, or any other corporation incorporated under the laws of this state, or of any other state or territory, or foreign country, doing a banking business in this state, applying therefor, a license, in the form to be prescribed by them, authorizing such corporation to use the name and to transact the business of a savings bank, bank, or banking company, until the first day of July next thereafter; to receive and place on file in their office the reports required to be made by savings banks, banks, or banking corporations, by this act; to prepare and furnish, on demand, to all persons, firms, partnerships, corporations, or officers required to make and return statements or reports to said bank commissioners by the provisions of this act, blank forms for such statements or reports as may by law be required of them; to make, on or before the first day of October in each year, a report to the governor of this state, containing a tabular statement and synopsis of the several reports which have been filed in their office since their last report, and any other proceed-

ings had or done by them under this act, showing generally the condition of the respective savings, commercial, and other banking corporations or institutions of this state, and such other matters as in their opinion may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period.

SEC. 2. That section four of said act is hereby amended to read as follows.

Section 4. It shall be the duty of one or more of the bank commissioners, as designated by the commissioners, once in each year, and as often as in their judgment may be deemed necessary, without previous notice, to visit and make, personally, a full examination of each and every corporation mentioned in section three of this act; to inspect all books, papers, notes, bonds, or evidences of debt of such corporation, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill its obligations, and if, in their opinion it is deemed necessary, report its condition to the attorney general as soon as practicable after such examination.

SEC. 3. That section five of said act is hereby amended to read as follows:

Section 5. Such commissioners must examine, under oath, any of the officers, agents, and servants of any such corporation, in relation to the affairs and condition of such corporation, and may administer such oath personally; and whoever shall neglect or refuse, after demand and notice thereof, and without justifiable cause, to appear, or testify under oath, before the said commissioners in the discharge of their duties, shall be deemed guilty of misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 4. That section seven of said act is hereby amended to read as follows:

Section 7. No corporation shall use the name or transact the business of a savings bank, or bank, or banking corporation, without the license provided for by section three of this act; and any corporation violating this pro-

vision shall forfeit the sum of one hundred dollars per day during the continuance of the offense; and any person who enters upon, engages in, or carries on, or in any manner attends to the business or management of a savings bank, or bank, or banking corporation, doing business without such license, whether as manager, principal, agent, officer, employee, or otherwise, shall forfeit the sum of one hundred dollars for every day he so enters upon, engages in, or carries on, or attends to such business; and any violation of this section is also hereby declared to be a misdemeanor.

SEC. 5. That section nine of said act is hereby amended to read as follows:

Section 9. Any corporation mentioned in section three of this act, including banks in liquidation or insolvency, shall, whenever required by the board of bank commissioners, make a report in writing to the commissioners, verified by the oath of its president and its secretary or cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the commissioners specified, by stating:

First—The amount of its capital stock, and the number of shares into which it is divided.

Second—The names of the directors, and the number of shares of stock held by each.

Third—The total amount actually paid, in money, by stockholders for capital stock, and the total amount of reserve fund, if any.

Fourth—The total amount due to depositors.

Fifth—The total amount and character of any other liabilities it may have.

Sixth—The amount at which the lot and building, occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

Seventh—The amount loaned on real estate, specifying

the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust, or as security, in case it is held in any name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank.

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof.

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place.

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amounts so loaned, deposited, or placed.

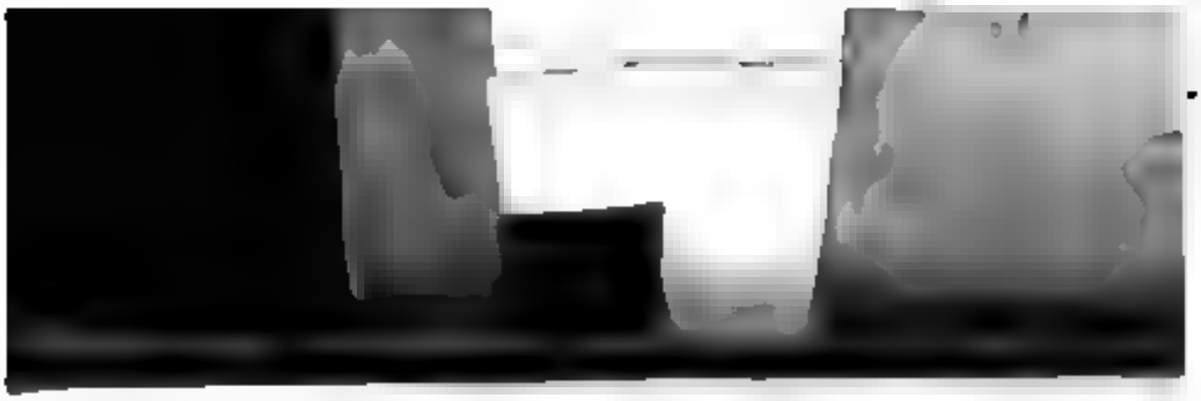
The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true, and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the commissioners be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the commissioners within fifteen days after the receipt from them of a request or requisition therefor.

SEC. 6. That section ten of said act is hereby amended to read as follows:

Section 10. Any corporation mentioned in section three of this act failing to furnish to the bank commissioners any report by them required under the provisions of this act within the time herein specified, shall forfeit the sum of one hundred dollars per day during the time of such default.

SEC. 7. That section eleven of said act is hereby amended to read as follows:

Section 11. If the bank commissioners, on examination of the affairs of any corporation mentioned in section three of this act, shall find that any such corporation has been guilty of violating its charter, the laws of this state, or any of the provisions of this act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of court hereinafter mentioned, and to immediately notify the attorney general of their action; and it is hereby made the duty of the attorney general, upon receiving such notification, to immediately commence suit in the proper court against such corporation, and all the directors or trustees thereof, to enjoin and prohibit them from the transaction of any further business. If, upon the hearing of the case, the court shall find that it is unsafe for such corporation to continue business, and that such corporation or institution is insolvent, said court shall issue the injunction applied for and shall cause the same to be served according to law, and shall order the commissioners to surrender to the corporation the property thereof in their possession for the purpose of liquidation, or, if the court shall find that such corporation is solvent, and may safely continue business, it shall dismiss the action and order that the corporation be restored to the possession of its property. The issuance of the injunction hereinabove provided for shall, by operation of law, dissolve any and all attachments levied upon any property



of such corporation within one month next preceding the date of the notification by the commissioners to the attorney general as provided for in this section, and no attachment or execution shall, after the issuance of such injunction and during the process of liquidation hereinafter provided for, be levied up on any property of said corporation, nor shall any lien be created thereon. And if it shall appear to the court at such hearing, or at any time during the liquidation hereinafter provided for, on the petition of one or more of the bank commissioners, or any other interested party, that any of the directors, or trustees, or officers of said corporation have been guilty of fraud, malversation, or criminal carelessness or negligence, and that any of them are not the proper persons to be intrusted with the closing of the affairs and business of such corporation in the interest of the depositors, creditors, and stockholders thereof, the said court shall cause to be issued in said action and served upon said directors, or trustees, or officers, or any of them, an order to show cause why they, or any of them, should not be removed from office, which order shall briefly recite the grounds of the application, and shall be returnable at a time to be fixed by the court; and if on the hearing the court shall find that such directors, or trustees, or officers, or any of them, ought to be removed from office, it shall enter its order of removal accordingly, which order shall be final in the premises; and if the board of directors or trustees of the corporation shall neglect, for the period of ten days after such removal, to elect or appoint a successor or successors to the person or persons so removed, then the court, by an order entered in said cause, shall appoint such successor or successors; and the court shall also have power in like manner to fill all vacancies occurring in the board, and to appoint directors or trustees in their stead, whenever from any cause there are no directors or trustees, or not a sufficient number thereof to constitute a quorum for the transaction of business; or when from any cause there are no directors or trustees, the court may order an election by the stockholders to be held according to law. Subject to this right of removal and appointment, the directors or trustees of all banking corporations in liquidation shall be permitted

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to continue the management of the affairs of such corporations during the process of liquidation, under the direction of the bank commissioners, as hereinafter provided. The affairs of every corporation mentioned in this act, which is hereafter forced into liquidation under the provisions of this act, or otherwise goes into liquidation, shall be closed, and the business thereof settled within four years from the time it shall enter into liquidation, unless at the expiration of each time it shall obtain the consent, in writing, from a majority of the board of bank commissioners, to continue in liquidation for a longer period. The bank commissioners shall, however, have no power to grant a continuance for such purpose for a longer period than one year at each time, and the affairs of any corporation in process of liquidation at the time of the adoption of this section as amended, shall be closed within a time to be designated by such bank commissioners. Any corporation mentioned herein now in liquidation, or that hereafter goes into liquidation, shall make reports of the condition of its affairs to the bank commissioners in the same manner as the solvent banks mentioned in this act, and in addition thereto, shall state the amount of dividends paid, debts collected, and the amounts realized on property sold, if any, since the previous report. The bank commissioners shall have the power, and it is hereby made their duty, to examine the condition of every such corporation in liquidation, in the same manner as in the case of solvent banks; and they shall have a general supervision of any such corporation. They shall have the power to limit the number of employees necessary to close up the business of any such corporation, and to also limit the salaries of the same, and shall do all in their power to make such liquidation economical and as expeditious as the interests of the depositors and stockholders will admit. If any officer or employee of any corporation, insolvent or in liquidation, mentioned in this act, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said bank commissioners given in accordance with the provisions of this act, such officer or employee shall be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the county jail for not ex-

ceeding one year, or by both such fine and imprisonment, as a court of competent jurisdiction may determine.

SEC 8. That section twelve of said act is hereby amended to read as follows:

Section 12. The bank commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed, for the three commissioners, the sum of three thousand dollars per annum, to be audited by the state controller and paid by the state treasurer, in the same manner as the salaries and expenses of other state officers. No person while holding any other office, or engaged in business of any kind requiring his personal attention between the hours of nine A. M. and four P. M., shall serve as bank commissioner.

SEC 9. That section fourteen of said act is hereby amended to read as follows:

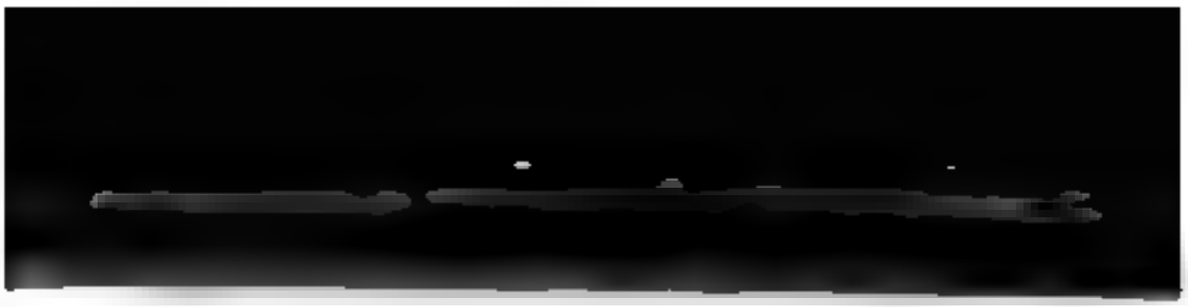
Section 14. The bank commissioners shall have power to appoint a secretary, at a salary of two hundred dollars per month. The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month. They may also provide stationery, fuel, and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of five hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners.

SEC. 10. That section fifteen of said act is hereby amended to read as follows:

Section 15. All reports required to be made to the bank commissioners by the provisions of this act shall be filed and kept on file by the bank commissioners, in their office, and shall be open to the inspection of the public during their office hours.

SEC. 11. That section sixteen of said act is hereby amended to read as follows.

Section 16. To pay the salaries and all other necessary expenses of the commissioners, as provided for by this act, every corporation receiving a license shall pay annually, in



advance, to the commissioners, in gold coin, its share of the amount required to pay such salaries and expenses; the share to be paid by any corporation to be determined by the proportion which its deposits bear to the aggregate deposits of all such corporations receiving licenses, as shown by the latest reports of such corporations to the commissioners. Said commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, firm, person, or persons mentioned in this act, copies of papers, statements, and reports filed in their office, and may, as provided by this act, recover any and all moneys payable to them by any corporation, association, society, company, institution, firm, person, or persons, herein mentioned; and all moneys collected or received by such bank commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the treasurer of this state, who shall pay the same into a fund which is hereby created, and which shall be known as the "bank commissioners' fund." And the unexpended balances of all moneys heretofore paid into the state treasury by said bank commissioners, shall be transferred to said fund and become a part thereof.

SEC. 12. That section twenty-three of said act is hereby amended to read as follows:

Section 23. Every person, or number of persons, not being incorporated, engaged in the business of banking, or publicly receiving money on deposit, shall conduct such business under a name which shall show the true names of all persons engaged in said business, unless such person or persons have complied with or shall forthwith comply with the provisions of article seven, of chapter two, title ten, part four, division third, of the Civil Code of this state. Every person engaged for himself, or any person being the cashier, manager, or agent of two or more persons, not incorporated, engaged in the business of banking, or publicly receiving money on deposit, must, three times in each year, or oftener, as may be required by the board of bank commissioners, make a report, in writing, to the commissioners, verified under oath, which report shall show the actual financial condition of the said busi-

ness on any past day by the commissioners specified, and shall also state the facts required to be stated by incorporated banks or banking corporations in section nine of this act, so far as the same appertain to said business. Such reports shall be transmitted to the commissioners within fifteen days after the receipt from the commissioners of a request or requisition therefor. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

SEC. 13. A new section is hereby added to said act, to be numbered twenty-four, and read as follows:

Section 24. No savings bank, or bank, or banking corporation, shall be incorporated in this state and conduct such banking business in a city or town of five thousand inhabitants or under with a capital stock of less than twenty-five thousand dollars, or in a city or town of over five thousand and not exceeding ten thousand inhabitants with a capital stock of less than fifty thousand dollars, or in a city or town of over ten thousand and not exceeding twenty-five thousand inhabitants with a capital stock of less than one hundred thousand dollars, or in a city or town of over twenty-five thousand inhabitants with a capital stock of less than two hundred thousand dollars. Before the secretary of state issues to any corporation that proposes to do a banking business his certificate of the filing of the articles of incorporation, there must be filed in his office the affidavit of the persons named in said articles as the first directors of the corporation, that all the capital stock has been actually and in good faith subscribed, and at least fifty per centum thereof paid, in lawful money of the United States, to a person in such affidavit named, for the benefit of the corporation. The remainder of the capital stock must be paid in within two years after said banking corporation receives from the commissioners its first license to transact business, and if not so paid, no further license shall be issued to it: *provided, however*, that the provisions

of this section shall not apply to corporations now in existence.

SEC. 14. A new section is hereby added to said act, to be numbered twenty-five, and read as follows:

Section 25. The directors of any savings bank, bank, or banking corporation having a capital stock, may semi-annually declare a dividend of so much of the net profits of the stockholders as they shall judge expedient, but every such corporation shall, before the declaration of such dividend, carry at least one tenth (1/10) part of the net profits of the stockholders for the preceding half year to its surplus or reserve fund until the same shall amount to twenty-five per centum of its paid up capital stock. But the whole, or any part of such surplus or reserve fund, if held as the exclusive property of stockholders, may at any time be converted into paid up capital stock, in which event such surplus or reserve fund shall be restored in manner as above provided until it amounts to twenty-five per centum of the aggregate paid up capital stock. A larger surplus or reserve fund may be created, and nothing herein contained shall be construed as prohibitory thereof.

SEC. 15. A new section is hereby added to said act, to be numbered twenty-six, and read as follows:

Section 26. The use of the word "bank," or any other word or terms denoting or implying the conduct of the business of banking, or the use of the word "savings," alone or in connection with other words denoting or implying the conduct of the business of a savings institution, or a savings and loan society, is hereby prohibited to all persons, firms, associations, companies, or corporations other than those subject to the supervision of the bank commissioners or required by this act to report to them, and no license as in this act provided shall be issued by the commissioners to any corporation that does not receive money from the public as deposits in manner customary with commercial or savings banks. Any person, firm, association, company, or corporation not subject to the supervision of the bank commissioners, or not required by this act to report to them, making use of terms implying conduct of a bank, savings bank, or savings and loan society,

by means of signs, advertisements, letter-heads, bill-heads, blank notes, blank receipts, certificates, circulars, or any written or printed, or partly written and partly printed paper whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank, or savings and loan society, shall forfeit for each day the offense is continued the sum of one hundred dollars, to be recovered as provided in this act.

A new section is hereby added to said act, to be numbered twenty-seven, and read as follows:

Section 27. No banker, nor officer of any bank or corporation doing a banking business, shall advertise in any manner, or publish any statement of the capital stock authorized or subscribed, unless he advertise and publish in connection therewith the amount of capital actually paid up. Any officer, or the officers of any bank or corporation doing a banking business, advertising in any manner, or publishing a statement of the capital stock of such bank or banking corporation, authorized or subscribed, without the statement in connection therewith of the stock actually paid up, shall be guilty of a misdemeanor.

An act to repeal sections one, two, three, four, five, six, seven, and ten of an act entitled "An act for the promotion of the viticultural industries of the state," approved April 15, 1880, also, an act entitled "An act to define and enlarge the duties and powers of the board of state viticultural commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March 4, 1881, also, an act entitled "An act to enlarge the duties of the board of state viticultural commissioners," approved February 26, 1885, to provide for completion of unfinished work, for the transfer of the property of the viticultural commission, and making an appropriation therefor.

[Approved March 27, 1895.]

WHEREAS, It has been and now is the policy of the state of California to encourage the viticultural industries of the state, and whereas, the board of state viticultural commissioners has been empowered by the several acts of the legislature of the state of California to perform

certain duties for the encouragement of these industries; and whereas, the university of California is fully empowered to continue the work; now, therefore, the people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. Sections one, two, three, four, five, six, seven, and ten of an act entitled "An act for the promotion of the viticultural industries of the state," approved April fifteenth, eighteen hundred and eighty; also, an act entitled "An act to define and enlarge the duties and powers of the board of state viticultural commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March fourth, eighteen hundred and eighty-one; also, an act entitled "An act to enlarge the duties of the board of state viticultural commissioners," approved February twenty-sixth, eighteen hundred and eighty-five, are hereby repealed. All acts and parts of acts prescribing the duties of the university of California remain in force. The provisions of this section shall take effect and be in force on the thirty-first day of December, Anno Domini eighteen hundred and ninety-five.

SEC. 2. The board of state viticultural commissioners is hereby directed to proceed to complete all unfinished work which it has heretofore undertaken, and to perform such other duties as the laws now require; *provided, however*, that no new work or investigations shall be undertaken which cannot be completed before the time specified in section one of this act; *provided further*, that no further obligations calling upon the state for support shall be created.

SEC. 3. The said board is hereby directed to transfer, on or before the thirty-first day of December, Anno Domini eighteen hundred and ninety-five, all property in its possession, or under its control, belonging to the state, to the regents of the University of California, for the further promotion of the viticultural industries of the state.

SEC. 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the uses of said regents of the University of California, for the forty-seventh and forty-eighth fiscal years, the sum of five thousand dollars.

An act to create and establish a commission for revising, systematizing, and reforming the laws of this state, and for the appointment of the members of said commission, to be known as "The commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor

[Approved March 28, 1895.]

THE COMMISSION.

SECTION 1. A non-partisan commission, consisting of three persons as hereinafter designated, is hereby created and established, for the purposes of revising, compiling, correcting, amending, systematizing, improving, and reforming the laws of this state, for the advancement and welfare of the people thereof.

QUALIFICATIONS OF MEMBERS.

SEC. 2. The members of said commission shall be known and designated as "The commissioners for the revision and reform of the law," and the term of office shall be two (2) years from and after the first day of April, eighteen hundred and ninety-five. They shall not belong to the same political party, but shall be members of the legal profession who have for more than five years prior to their appointment been engaged in the practice of the law in this state, and admitted to practice before the supreme court. Each shall be appointed from and represent a separate portion of the state.

MANNER OF APPOINTMENT.

SEC. 3. Said commissioners shall be appointed by the governor within ten days from the passage of this act. In case of a vacancy or vacancies in said commission by death, resignation, removal, or otherwise, a successor or successors to fill such vacancy or vacancies for the unexpired term shall be appointed in like manner.

NOTICE OF APPOINTMENT.

SEC. 4. The secretary of state shall, after the passage of this act and the appointment of such commissioners,

immediately notify each appointee thereof, and issue to each appointee a commission, under the great seal of the state, notifying him of the passage of said act and of his appointment by the governor. Each appointee shall immediately upon receiving said notice of his appointment, if he accepts the same, take and subscribe an oath of office, which shall be filed in the office of the secretary of state.

ORGANIZATION OF COMMISSION.

SEC. 5. The commission shall hold its sessions in a room to be provided by the secretary of state, in the state capitol, and shall enter upon the discharge of its duties immediately after its organization. Said commissioners shall select and adopt a suitable seal for the authentication of their acts, records, and proceedings, and adopt and provide for the publication of such reasonable and proper rules and regulations for the conduct of the business of said board, and for the promotion of the objects intended to be advanced by this act. They shall, thereupon, select and appoint a secretary and stenographer, to hold office during the pleasure of said board, who shall attend all the sittings of said board, and act under its supervision.

POWERS AND DUTIES.

SEC. 6. 1. It shall be the duty of said commissioners to revise and examine the Political Code, the Civil Code, the Code of Civil Procedure, and the Penal Code of the state of California.

2. To revise and examine all the statutes of this state that have been or shall hereafter be passed by the legislature thereof and published by the state.

3. They shall ascertain, determine, and designate, according to their best judgment, those statutes now in force, and those expressly or by implication repealed.

4. They shall note and designate the errors, defects, or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct, or amend the same, and such improvement as shall introduce precision and clearness into the wording of the codes and statutes.

5. All or any of the reports, records, or proceedings of

said commission, shall be printed by the state printer, on the requisition of said board, when so ordered and directed by said board.

6. Said board shall have power to order the state printer to print and deliver to the secretary of said board such number as said board may designate of any report, record, or proceedings of said board.

7. Said commissioners, or either of them, upon the request of the legislature, or a duly appointed committee thereof, shall attend at the capitol during the sitting of said session of the legislature, and act as legislative counsel or adviser, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the legislature; and also, when requested, give advice to said legislature, or such committee, as to the form of any proposed legislation, and its effect upon existing laws, and as to whether said bill, as drawn and presented, is so constructed and worded as to carry out the purpose intended.

8. Thirty days prior to every session of the legislature, said board shall make and file with the secretary of state a report of their transactions relating to legislative matters, or which would give any information or knowledge to said legislature as to legislation in the past, and as to the policy for future legislation. And they shall also report to said legislature such suggestions as they deem proper for the promotion of the public welfare and the best interests of the state, or any locality or citizens thereof, and file therewith schedules or exhibits, showing the form or substance of all proposed legislation which they recommend. And they shall suggest all such improvements as shall conduce to precision and clearness in the wording of the codes and statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of this state; said reports, schedules, and exhibits shall be printed by the state printer, upon the requisition and under the supervision of the commissioners. They shall be so printed as to show, in the readiest manner, the changes proposed by the commission, and in those cases wherein it shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute

in open session and hear such protes
may be addressed to them, for or ag
existing legislation. All such sessic
be open to the public, and a record o
be kept and preserved by the secreta

COMPENSATION.

SEC. 7. 1. Said commissioners sh
services, from the state, the sum of f
each per annum; such compensation
same manner as the salaries of the ju
court are now paid.

2. The secretary of the commiss
sum of two hundred dollars ($200)
stenographer one hundred dollars ($
able in like manner as the salaries are
of said commission.

3. The expenses incurred by said
members thereof, exclusive of salarie
detail in an itemized statement, and
sition shall be made by said board of
the state controller, accompanied by
of all the commissioners that the se
formed and the materials used or t
that said sums are justly due.

4. And said state controller is her
his warrant on the treasurer for the
sums when due and payable as he

An act to amend an act entitled "An act to establish law libraries," approved March 1, 1891, and to add a new section thereto, for the purpose of disestablishing such law libraries, such new section to be numbered fourteen and one-half.

[Approved March 12, 1895.]

SECTION 1. An act entitled "An act to establish law libraries," approved March first, eighteen hundred and ninety-one, is hereby amended by adding a new section thereto, to be known as section fourteen and one-half, and to read as follows:

Section 14½. Whenever the board of supervisors in any county in this state which shall have adopted the provisions of this act and have established a law library, desire to discontinue such law library, they shall by ordinance so declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the superior court of such county; and all moneys on hand in the library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of the board of trustees of such law library shall be abolished. After such an ordinance shall take effect the county clerk of such county shall not collect the fees provided for in section one of said act.

An act to prevent evil-disposed persons from coming upon the grounds of the Whittier state school at Whittier, California, or the Preston school of industry at Ione.

[Approved March 26, 1895.]

SECTION 1. Any person who shall come upon the grounds of the Whittier state school at Whittier, or Preston school of industry at Ione, or any of the grounds adjacent thereunto where inmates are employed, and leave or deposit where inmates may have access thereunto, any guns, pistols, knives, or other deadly weapons, or any explosive of any kind whatsoever, shall be guilty of felony, and upon conviction thereof shall be punished by imprisonment in the state prison for a term not to exceed three years.

SEC. 2. Any person who shall come upon the grounds

of the Whittier state school at Whittier, or Preston school of industry at Ione, or any of the grounds adjacent thereto where inmates are employed, and leave or deposit where inmates may have access thereto, any whisky, cigars, cigarettes, tobacco, or any other narcotic or stimulant, or who shall furnish to any of the inmates of said school any of the above-named articles, shall be guilty of a misdemeanor.

SEC. 3. Any person having been previously convicted of a felony, and who has been confined in either of the state prisons of this state, who shall come upon the grounds of the Whittier state school, or Preston school of industry at Ione, or communicate, or attempt to communicate with any of the inmates of said institution without the consent of the superintendents, or other officers in charge of said schools, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in either of the state prisons of this state for not more than three years.

SEC. 4. Any tramp, vagrant, or person who is a known associate of thieves, who shall come upon the grounds of the Whittier state school, or Preston school of industry at Ione, or grounds adjacent thereto, and communicate with any of the inmates of said schools, without the consent of the superintendents thereof, or who shall visit or communicate with any paroled pupil of said school with a view to induce him to violate the conditions of his parole, or who shall induce by threats, intimidation, or persuasion, such paroled pupil to leave the guardian under whom he has been placed by the superintendents of the Whittier state school, or Preston school of Ione, shall be guilty of a misdemeanor.

SEC. 5. Any person who shall deliver, or agree to deliver, any literature, letters, or any reading matter whatsoever to any of the pupils of the Whittier state school, or Preston school of industry at Ione, without the same passing through the hands of the superintendents of said schools, or other officer designated by him, for the purpose of receiving and examining such literature, letters, or reading matter, shall be guilty of a misdemeanor.

This act shall take effect immediately.

An act relating to commitments to the state school at Whittier and to the Preston school of industry; fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the state for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

[Approved March 26, 1895.]

SECTION 1. The superior judge of any county, and no other judicial officer, shall have power to examine, discharge, or commit any offender either to the Whittier state school or to the Preston school of industry, *provided*, that the superior judge shall determine whether or not the parent or guardian of any minor committed to the Whittier state school or to the Preston school of industry is able to pay to the county in which the commitment is made for the maintenance of such minor during the term of such commitment; and when the superior judge shall determine that such parent or guardian has the ability to pay as aforesaid for the maintenance of such minor during the term of such confinement, the parent or parents or guardian shall pay into the treasury of such county the sum of seven dollars per month in advance; and in case of the failure to pay the same as herein provided it shall be the duty of the district attorney of such county to proceed to collect the amount from such parent, parents, or guardian in the manner that other indebtedness against the county is collected.

SEC. 2. For each and every person hereafter committed to either the Whittier state school or the Preston school of industry, the county from which the commitment is made shall pay into the state treasury the sum of one hundred and thirty two dollars per annum, and at that rate for each fraction of a year.

SEC. 3. It is hereby made the duty of the clerk of the superior court of the county from which such commitment is made, to certify to the county auditor the name, age, and date of commitment of each person committed by the superior judge thereof, and the amount due to the

state from the county by reason of such commitments, and before the first day of May and December of each and every year to file with the treasurer of the county a statement of the number of commitments, with the date thereof, and the amount due from the county by reason of such commitments, to the state treasurer; and it is further made the duty of the county treasurer, during the settlement or at the time of the settlement with the state during the month of May and December of each year, to pay to the state treasurer, through the state controller, the amount so found to be due to the state by reason of commitments to the state schools as herein provided.

SEC. 4. The superintendent of the state school at Whittier and the Preston school of industry are hereby required to transmit to the state treasurer a statement of all commitments to their respective institutions, showing the name of the person committed, the date of the commitment, and the county from which the commitment is made, and the amount due to the state from the county by reason of such commitments; said statement to be made quarterly as follows: on or before the first day of January, the first day of April, the first day of July, and the first day of October of each year; and it is hereby made the duty of the controller of state to add the amounts due to the state from said counties such sum as may be shown to be due by reason of commitments to such schools, as in section two of this act provided.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 6. This act shall take effect immediately.

An act to repeal an act entitled "An act fixing a bounty on coyote scalps," approved March 31, 1891.

(Approved January 24, 1895.)

SECTION 1. An act entitled "An act fixing a bounty on coyote scalps," approved March thirty-first, eighteen hundred and ninety-one, is hereby expressly repealed.

SEC. 2. This act shall take effect immediately.

An act repealing chapter ninety-six of the statutes of eighteen hundred and eighty-three, entitled "An act to appropriate money for the support of aged persons in indigent circumstances, approved March 15, 1883."

[Approved February 28, 1895.]

SECTION 1. Chapter ninety-six of the statutes of eighteen hundred and eighty-three, entitled "An act to appropriate money for the support of aged persons in indigent circumstances," approved March fifteenth, eighteen hundred and eighty three, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

An act to repeal an act entitled "An act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January, of each year, in the office of the treasurer of state, and for the appointment of such additional clerk," approved March 16, 1889, and authorizing the treasurer of state to appoint one clerk at an annual salary of sixteen hundred dollars.

[Approved March 26, 1895.]

SECTION 1. An act entitled "An act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January, of each year, in the office of the treasurer of state, and for the appointment of such additional clerk," approved March sixteenth, eighteen hundred and eighty-nine, is hereby repealed.

SEC. 2. The treasurer of state is hereby authorized and empowered to appoint one clerk, at an annual salary of sixteen hundred dollars ($1,600), payable in the same manner as other state officers.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act to amend section twenty-eight of an act passed March 23, 1893, entitled "An act amendatory of and supplementary to an act entitled 'An act to define the boundary and provide for the government of levee district number two (2), of Sutter county,' passed March 23, 1876, in relation to the election of officers for said district, funding the floating debt, and refunding the funded debt thereof"

[Approved March 27, 1895.]

SECTION 1. Section twenty-eight of said act is hereby amended so as to read as follows:

Section 28. At all elections hereafter held for the election of directors, assessors, and tax-collectors for said district, only owners of land in said district shall be entitled to vote; and each owner of land in said district shall be entitled to vote one vote for each one dollar of tax for reclamation (levee) purposes assessed against him or her, as the same appears on the last assessment-roll of said district.

An act to provide the manner of execution of deeds by cemetery corporations

[Approved March 26, 1895.]

SECTION 1. All deeds or conveyances executed by cemetery associations or incorporations within this state, shall be executed in the name of the corporation or association, under the seal thereof, by the president, or vice-president, and secretary thereof.

SEC. 2. All acts and parts of acts in conflict with this statute, in so far as they conflict with the same, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations.

[Approved March 26, 1895.]

SECTION 1. In every city, or city and county, of this state, where there is a regularly organized paid fire department, the board of supervisors, common council, commission, or other body having the management and control of the same, are authorized and required, once in every

year, to provide for granting each member thereof a leave of absence from active duty for a period of not less than ten nor more than fifteen days. Leaves of absence so granted must be arranged by said board or commission so as not to interfere with or in any way impair the efficiency of the department; and leaves of absence granted in cases of sickness, or in consequence of injuries received while in the discharge of duty, shall not be construed to be or become a part of the leave of absence provided for by this act. No deduction must be made from the pay of any member of such fire department granted a leave of absence under the provisions of this act.

SEC. 2. This act shall take effect immediately.

An act to authorize the trustees of the city of Auburn, Placer county, to remove a cemetery, and to donate the land occupied thereby to the public for a park.

[Approved March 26, 1895.]

SECTION 1. The trustees of the city of Auburn, county of Placer, shall have the power and authority, in their discretion, by ordinance duly passed, to cause all bodies now buried in the old Auburn cemetery, now located near the center of the city, to be removed therefrom to some other more suitable locality.

SEC. 2. The said trustees shall, upon the removal of said bodies, declare, by ordinance duly passed, that the said cemetery is vacated and abandoned as such, and the land now occupied by said cemetery shall become a public park.

SEC. 3. This act shall take effect immediately.

An act prescribing how judgments, which may be recovered against any city and county of over one hundred thousand population, shall be paid.

[Approved March 26, 1895.]

SECTION 1. All existing judgments against any city and county of over one hundred thousand population shall be paid by the treasurer of such city and county, out of the or any general fund thereof, after the same shall have been audited by the auditor, auditing officer, board, or other auditing officer or officers, and it is hereby made the duty of the board of supervisors and mayor of such

city and county to include in the tax levy for any fiscal year a sum sufficient to pay existing judgments.

SEC. 2. This act shall take effect and be in force immediately after its passage.

An act to repeal an act of the legislature of the state of California entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March 18, 1874, and requiring all counties and cities and counties of this state to conform to the requirements of the provisions of the Political Code in relation to the assessment, equalization, levy and collection of taxes for revenue purposes.

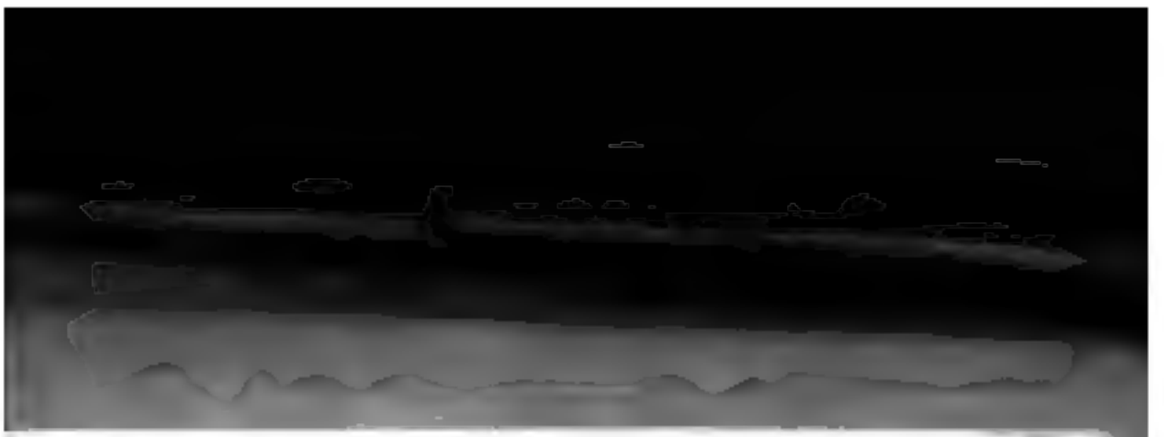
[Approved March 28, 1895.]

SECTION 1. An act entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March eighteenth, eighteen hundred and seventy-four, is hereby repealed.

SEC. 2. All counties and cities and counties of this state are hereby required to conform to the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes on real and personal property for revenue purposes, and all laws now in force in relation to revenue are hereby made applicable to all such counties and cities and counties.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.



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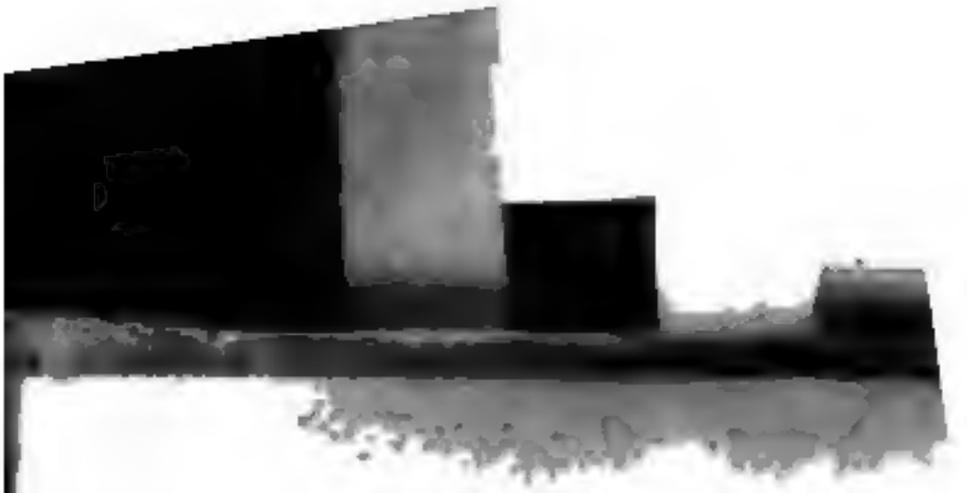

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Calif. Laws, statutes, etc. Supplement to the codes.

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